



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*.

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

- Marinakis, C.M., Leibold, J.M., & Pitera, M.J. (2018). What Do Jury Consulting Services Cost When on a Budget? *Insights*
- Cook, K. & Pitera, M.J. (2018). How Body Language Can Impact Witness Credibility. *Insights*.
- Pitera, M.J. (2017). How to Make Sure Your Expert Witness Isn't a Lemon. *Insights*.
- Laitinen, S.P. & Pitera, M.J. (2017). The Millennial Factor in Jury Selection. *For the Defense: Defense Research Institute*.
- Pitera, M.J. (2017). Why Storytelling Is Your Best Defense. *Insights*.
- 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. (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. (2015). Mock Trial Pricing: No One Size Fits All. *Insights*.
- Pitera, M.J. & Babbitt, E.K. (2015). Effective Witness Preparation, Miss America and the Essence of Communication. *Insights*.
- Pitera, M.J. (2014). Confidentiality and Online Jury Research: What Are the Risks? *Insights*.
- Pitera, M.J. (2014). Witness Tip: 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). "Line!!" When Your Witness Is Too Prepared. *Insights*.
- 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. (2012). Ensuring Witness Attire Makes the Right Statement. *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). Early Case Assessment & Jury Research: Lessons Learned in Commercial Cases. Presentation for Spencer Fane.
- 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. (2010). Making the "Wow Factor" Work for You: Using Technology to Support Your Research Goals. *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: Undesirable Verbal Witness Characteristics. *Insights*.
- Pitera, M.J. (2009). Characteristics of Improving the Credibility of Your Witnesses: Undesirable Nonverbal Witness Characteristics. *Insights*.
- Pitera, M.J. (2009). Characteristics of Improving the Credibility of Your Witnesses: Positive Witness Characteristics. *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.
- Cox, S. & Pitera, M.J. (2008). New Insights for Jury Profiling and Online Socialization. *Insights*.
- Pitera, M.J. (2006). Accidents on Trial: Inside the Mind of the Juror. *Kansas Trial Lawyers Association Journal*, vol. XXX(1), p. 6-8, 10.
- Pitera (Stallard), M.J. & Cox, S.S. (2004). Understanding & Identifying Perceptions & Biases: Juror Deselection in Obesity Litigation. Paper for the American Conference Institute.
- 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.
- Stallard, M.J. (2000). Understanding Jurors' Perceptions and Biases. Minnesota Institute of Legal Education Conference Course Book.
- Stallard, M.J. (2000). Reducing the Uncertainty of Jurors' Judgments. University of Missouri – Kansas City: Kansas 8+4 Review of the Law Conference Course Book.
- Stallard, M.J. (1999). Trucking Accidents on Trial: Understanding Jurors' and the Media's Perceptions. American Trucking Associations Litigation Conference Course Book.
- Stallard, M.J. & Worthington, D.L. (1998). Reducing the Hindsight Bias Utilizing Attorney Closing Arguments. *Journal of Law and Human Behavior*, vol. 22(6), p. 671-683.
- Stallard, M.J., Jasa, K.K., & Rowland, C.K. (1998). Case Formulations: Empirical Estimation of Key Evidentiary Ambiguities in Sexual Harassment Litigation. In National Institute on Sexual Harassment: A Multi-Disciplinary View of the New Generation of Sexual Harassment Policies and Procedures and a Trial of Sexual Harassment (p. F5-9). Chicago, IL: American Bar Association.

Selected Professional Presentations

- Pitera, M.J. & Price, J.M. (2018). Engineering in the Courtroom: Becoming a Technical Consultant or Expert Witness. Recorded Webinar for Lorman Education Services.
- Carrane, J., Dominic, C, O'Toole, T.M. & Pitera, M.J. (2018). The Secrets to a Successful Mock Trial – The Consultant's Perspective. *The 2018 Midwest I.P. Institute*, Minneapolis, MN.
- Pitera, M.J. & Sharp, M.P. (2018). The Corporate Witness – Proper Selection and Preparation. *Fall 2018 U.S. Law Network Client Conference*, Montreal, QC.
- Umberger, R., Solheim, M. Gross, T. & Pitera, M.J. (2018). The Impact of Millennial Jurors on Product Liability Litigation. *Fall 2018 U.S. Law Network Client Conference*, Montreal, QC.
- Pitera, M.J. & Baggott, A.E. (2018). Employer's Responsibility for Safety of Employees in the Workplace. *U.S. Law Network Employment & Labor Exchange*, Dallas, TX.
- Duke, K. E., Hedican, C.R., Hughes, K.A., & Pitera, M.J. (2017). Jury Selection in Employment Litigation, Panel Member. *U.S. Law Network Employment & Labor Law Exchange*, Chicago, IL.
- Solheim, M. & Pitera, M.J. (2017). Strategies for Developing and Delivering a Corporate Apology. *U.S. Law Network Winter Conference*, Park City, UT.
- 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 35th 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.
- Pitera, M.J., Hillmer, B.C. (2015). To Select or Deselect? Understanding Jury Trends for Jury Deselection. Presentation for Ogletree Deakins, Kansas City, MO.
- Blackwell, J.W., Ford, B. & Pitera, M.J. (2015). Litigation Masters: Trial Demonstration. Presentation for the 35th 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 in National Harbor, MD.
- Pitera, M.J. (2012). Preparing for Deposition Testimony. Presentation to Walmart Forensics Team, Bentonville, AR.
- 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). Early Case Assessment & Jury Research: Lessons Learned in Commercial Cases. Presentation for Spencer Fane, Kansas City, MO.
- 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. & Bloomberg, A. (2012). Research & Lessons Learned. Presentation for HCA, Nashville, TN.

- 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., Hoefer, 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.
- Nilan, M.T., Altman, J., Fennell, T., & Pitera, M.J. (2010). Public Nuisance: The New Mega Tort. The DRI Annual Meeting, San Diego, CA.
- 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.
- Varney, L.K., Pitera, M.J. & Lofgren, T. (2009). Seeing Is Believing: Trial Exhibits that Work. 2009 International Association of Defense Counsel Midyear Meeting, Carlsbad, CA.
- Pitera, M.J. & Cox, S.S. (2008). Juror Insights into Employment Litigation. Fisher & Phillips, LLP, Kansas City, MO
- Pitera, M.J. & Cox, S.S. (2008). To Select or Deselect: A Practical Guide to Jury Selection. Shook Hardy & Bacon Trial Practice Program, Kansas City, MO.
- Pitera, M.J. & Featherly, R.F. (2008). Lessons Learned: Punitive Damages. North Carolina Association of Defense Attorneys Annual Meeting & Seminar, Hilton Head, SC.
- Pitera, M.J., Harris, J.R., Harwell, M.H., Jarrow, J.R., Warren, L.D. (2008). Winning at Trial. Panel presentation and focus group at ALFA International Transportation Practice Group Seminar, West Palm Beach, FL.
- Pitera, M.J. (2007). Preparing Challenging Witnesses for Deposition and Trial. Presentations to Winn-Dixie Human Resources Team, Jacksonville, FL.
- Pitera, M.J. & Sampson, W.R. (2007). Keeping Your Eye on the Ball – Jury Deliberations. DRI Complex Commercial Litigation Seminar (November), Phoenix, AZ.
- Pitera, M.J. (2004). Mass Tort Crisis Management: Defending Corporate Clients in the Courtroom and in the Media (one of several speakers). DRI annual meeting, New Orleans, LA.
- Pitera (Stallard), M.J. (2004). Understanding & Identifying Perceptions & Biases: Juror Deselection in Obesity Litigation. American Conference Institute, Washington, D.C.
- Rowland, C.K. & Pitera, M.J. (2004). Mass Tort Crisis Management: Defending Corporate Clients in the Courtroom and in the Media. Defense Research Institute Annual Conference, New Orleans, LA.
- Stallard, M.J. (2003). How Juries Make Decisions: A Focus Group Demonstration. Missouri Bar Association: Second Annual Labor and Employment Law Symposium, Osage Beach, MO.
- Stallard, M.J. (2003). Discovering Juror Attitudes after Enron and 9/11. Pacific Coast Labor and Employment Law Conference, Seattle, WA.
- Stallard, M.J. (2002). Jury deselection: How to Identify Your "Bad" Jurors. 2002 Thirtieth Annual International Association of Defense Counsel (IADC) Trial Academy, Boulder, CO.
- Stallard, M.J. & Featherly, R. (2002). Are You Mocking My IP Trial? The 2002 Midwest Intellectual Property Institute, Minneapolis, MN.
- Stallard, M.J. & Tuerkheimer, A. M. (2002). The Role of the Trial Consultant in Reducing the Uncertainty of Jurors' Judgments. Minnesota Institute of Legal Education Seminar, Bloomington, MN.

- Stallard, M.J. (2001). Reducing the Uncertainty of Jurors' Judgments in Healthcare Litigation. Healthcare Underwriters Mutual Ins. Co., Albany, NY.
- Worthington, D.L., Stallard, M.J., Price, J.M., & Goss, P.M. (2001). Daubert and the Silicone Breast Implant Litigation: Making the Case for Court-appointed Experts in Complex Medical and Scientific Litigation. Paper presentation at the National Communication Association, Atlanta, GA. (Recognized as top paper submission by the Commission on Communication and Law.)
- Stallard, M.J. (2000). How to Deal with Bias Issues from the Viewpoint of the Jury. Minnesota Institute of Legal Education Seminar, Bloomington, MN.
- Stallard, M.J. (2000). Reducing the Uncertainty of Jurors' Judgments. University of Missouri-Kansas City Continuing Legal Education: Kansas 8+4 Review of the Law Seminar, Overland Park, KS.
- Stallard, M.J. & Featherly, R. (2000). Reducing the Uncertainty: Understanding Jurors' Judgments. Alston & Bird, LLP, Atlanta, GA.

Professional Memberships

- Co-Chair of American Society of Trial Consultants Nomination Committee – 2013 to present
- Member of Women Who Mean Business. Selected by the Kansas City Business Journal as one of the 25 honorees for the annual award – 2010.
- Chair of the American Society of Trial Consultants Development Committee – 2009-2010, 2012-2013.
- Member, American Society of Trial Consultants – 1990 to present.
- Member of the American Psychology – Law Society, Division 41 of the American Psychological Association – 1999 to present.
- Co-Chair of the American Society of Trial Consultants Development Fundraising Committee – 2001-2002, 2011.
- Elected to the American Society of Trial Consultants Board of Directors – 1996-2000.
- Chair of the American Society of Trial Consultants Presidential Funding Committee – 1999.