

GOOD JURIES, BETTER TRIALS, BEST RESULTS

Litigator Michael Brown knows that finding the best jurors at trial is no accident – it's a process that requires patience, expertise and a keen sense of psychology.

When taking a case to trial, jury selection is perhaps the most critical and most difficult part of pre-trial preparation.

No matter how much evidence or expert testimony may be presented in a trial, the unknown element is always the jury—in the best-case scenarios there will be jurors that understand witnesses, follow the arguments and procedures, and keep personal bias out of their deliberations.

In worst-case scenarios there will be jurors who don't pay attention during testimony, make little attempt to follow facts, fail to disclose potential bias, or have hidden agendas. They are the most dangerous ones when it comes to predicting jury decisions.

Michael Brown is a veteran litigator and principal at Miles & Stockbridge with his own collection of trial experiences, and a varied collection it is. His specialties include product liability defense, medical malpractice defense, lead paint defense, and employment litigation.

Brown has tried sixty-plus cases (and counting), and he has lost only three—a track record that speaks volumes for the skill and attention he brings to each case.

Brown knows it takes more than researching the law and taking depositions to get ready for trial. He starts by creating a profile of his worst and ideal jurors. This gives him a better chance of removing undesirable jurors, leaving those most likely to understand, interpret and analyze the details crucial to bringing in a favorable verdict for his client.



"A verdict came back in our favor and all the other filed plaintiffs' cases were dropped, saving millions in legal fees and settlements. Litigation Insights helped us secure our best jurors and tailor a message that persuaded them to see things our way."

– Michael Brown, Principal, Miles & Stockbridge

Just as important, he needs to find jurors who will relate to him as a person and an attorney. Brown works with Litigation Insights for help with jury selection.

"Litigation Insights is on the money when it comes to reading a person or situation," said Brown. "They help me find juries with the right listening skills, attention spans and personality profiles that fit me and my communication style."

TAKING THE GUESSWORK OUT OF JURY SELECTION

At 6-foot-5 and nearly 300 lbs., Brown has a big and bold presentation style, and he needs jurors who are going to be receptive to his approach.

He looks for jurors that won't be intimidated by his presence. He wants juries that will stay with him and remain impartial as they listen to the testimony. "I need people to hear me out," said Brown.

Christina Marinakis at Litigation Insights knows Brown best. With doctorates in psychology and law, Marinakis has a unique understanding of how juror beliefs and group dynamics influence legal reasoning.

"The Litigation Insights team slows me down – in a good way – with great observations and assessments," said Brown. "Their jury questionnaires and social media research help us really understand how a person is likely to react to certain issues. That's a huge advantage when you're going into a courtroom with hundreds of thousands, if not millions of dollars, on the line. We've got to remove as many unknowns as possible."

One recent trial illustrates how vital the right jury can be in tough situations. Brown was up against a top plaintiff's attorney with over a dozen cases lined up around the same legal issue. If this first one was successful, it would clear the way for all the others to be heard and tried.

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TESTING THE WATERS: MOCK TRIALS MAKE A DIFFERENCE

Brown further reduces his risk by also using the mock trial services of Litigation Insights to refine his opening statement, sharpen witness testimony, and polish his closing argument.

"It's a great way to fine-tune our approach to a trial," said Brown. "We're testing for clarity, understanding, and connection. We're looking at the message, as well as my appeal as a messenger."

Brown said the Litigation Insights team acts as a true partner. In fact, there are often healthy debates about findings, plans, and key issues.

"When we engage Litigation Insights, we're paying for their opinions and recommendations. They should have them and be able to defend them," said Brown. "I get that with Litigation Insights and I respect that. They have strong ideas and they're not afraid to voice them. It gives us better outcomes."

HOW TO SECURE THE BEST JURY FOR YOUR CASE

1 A LAWYER'S COMMUNICATION STYLE AND HOW IT IS PERCEIVED BY POTENTIAL JURY MEMBERS IS A FUNDAMENTAL CONSIDERATION IN SECURING THE RIGHT JURY – IDENTIFY JURORS THAT ARE A GOOD FIT FOR THE LAWYER AS WELL AS THE MATTER AT HAND.

2 A GOOD JURY NEEDS TO BE ABLE TO FOLLOW COMPLEX ARGUMENTS AND EVIDENCE – SCREEN OUT JURORS THAT BIASED AGAINST YOUR CASE.

3 SEARCH SOCIAL MEDIA ACCOUNTS OF INDIVIDUAL JURORS TO FIND PREJUDICES OR EXPERIENCES THAT MAY PREVENT OBJECTIVE ASSESSMENT.

