

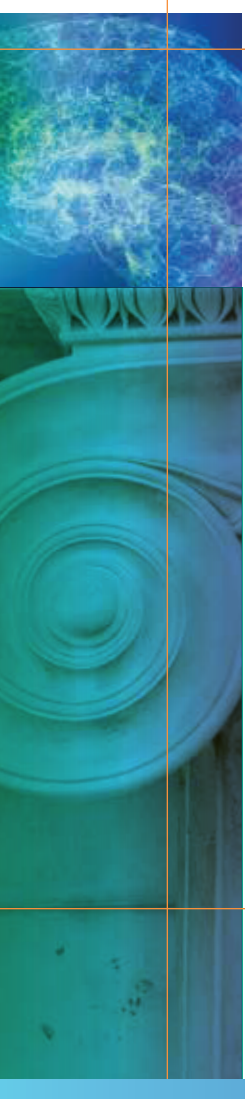


THE DICELLO LEVITT

TRIAL CENTER

3 JURY INSIGHTS

FROM THE DICELLO LEVITT TRIAL CENTER



Across the nation, law firms turn to the DiCello Levitt Trial Center to develop their case messages and arguments, test their language and evidence, and practice their presentations—all to gain trial strategies that set them up to achieve justice for their clients. At the DiCello Levitt Trial Center's courtroom facilities in Cleveland and Chicago, lawyers can hone their skills and tailor their cases with state-of-the-art technology, guided by some of the top trial lawyers practicing today.

Here are three critical insights that have emerged from a lawyer's experience at the DiCello Levitt Trial Center.

Learn more at DiCelloLevittTrialCenter.com



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1

THE JURORS TELL YOU EVERYTHING YOU NEED TO KNOW



Encounter people who mirror your potential jury pool, and learn how they react to your messages.

We all know that people make decisions in a jury deliberation room. Yet few, including most trial consultants and focus group contractors, know how jurors *actually do it*. This is partly because these consultants haven't studied the scholarship of decision-making within the courtroom context, and partly because they have never tried a case.

The result is a misconception that *any* testing of a case is *good* testing. In fact, the only truly effective testing will simulate, as accurately as possible, what happens in a real courtroom. At the DiCello Levitt Trial Center, such simulated courtroom conditions allow lawyers to work through their process in a focus group environment that lets them experience what they may ultimately encounter in the courtroom.

You have the opportunity to speak with individuals who mirror the types of jurors you might find hearing your case in your jurisdiction. This real-time experience helps you witness and understand jurors' responses to the facts of the case. Having this information allows you to frame your case in ways that align with how jurors think—a first step toward creating a winning story and trial presentation.



“ You’re not going to decide the case as the lawyer—the jury will decide. At the Trial Center, as we prepare for a case or a trial, we’ll speak with hundreds of potential jurors to learn what they’re thinking, so we can frame the case around what they’re thinking, not what we want them to think.

—Ken Abbarno



“ Through our extensive focus group work, we are constantly surprised at how people actually think versus what our biases tell us they should be thinking. And cutting through those biases is what the difference is between winning or losing a case.

—Bobby DiCello



“ Firms come to the DiCello Levitt Trial Center asking, ‘Where are the pitfalls? Where should the focus be?’ The Trial Center focuses on hearing the voices of those who will ultimately make the most important decision in the case—the potential jurors. Focus groups get to the core of how we can communicate to people from varying backgrounds, in a way where they can find consensus.

—Diandra ‘Fu’ Debrosse

2 REMOVE THE LAWYER DISTRACTION AND POSTURING



Argument is no longer a lawyer's first and primary tool. Teaching has replaced it.

The archetype of a charismatic trial lawyer winning a case by sheer force of individual talent is entrenched in the public's mind. But, although a few dynamic unicorn lawyers can capture an audience's attention, it's far more likely that a jury will lose itself in a *story* than in a *personality*.

The fact is that *argument*—and the associated posturing—is no longer a lawyer's first and primary tool. What has taken its place is teaching. When lawyers teach, every audience member in the room matters. Every “student”—juror, attendee, and the judge—has a perspective that is acknowledged and respected. The lawyer teaches the facts of the case through thoughtful, factdriven storytelling.



“ No one cares who the lawyer is and whether they like you. All they care about is the evidence. When you meet their expectations regarding the evidence, they lean in and you have their attention—which is the first step of persuasion.

—Bobby DiCello



“ Lawyer-speak is sometimes unlistenable. What the Trial Center allows us to do is take our language of the case that we think is persuasive and have focus group participants tell us, ‘this is the best part of your case.’ And when you listen, and then you adopt it, your case changes to reflect the values of the community. And then you’re truly persuasive.

—Mark DiCello

3

THE FACTS DETERMINE THE OUTCOME OF THE CASE

The verdict hinges on the jury members processing the case facts through the lens of expectations.

The nature of jury trials is changing, and the number of cases going to trial continues to decline. Consequently, the context of *facts* and how those facts are shared is changing as well. The DiCello Levitt Trial Center takes a multi-faceted approach to understand how focus group participants—and by extension potential jurors—process the facts with which they're presented. The Trial Center's focus grouping explores the current context in which *facts* are being viewed, in which the *parties* are being viewed, and in which the complexities of the *trial* are going to be viewed.

The Trial Center team conducted research nationally to learn whether jurors brought expectations into the courtroom of the evidence they might see, and how such expectations might influence the way they view the case. The team recognized that many people engage new books or films while harboring expectations based on their affinity with the genres. Did a similar dynamic apply to jurors, and did their expectations alter the story shared by an attorney?



RESEARCH REVEALED THAT PEOPLE DID, IN FACT, COALESCE AROUND A SET OF EXPECTATIONS OF WHAT THEY SHOULD SEE AT TRIAL.

Research revealed that people did, in fact, coalesce around a set of expectations of what they should see at trial. The findings allowed the Trial Center team to create a roadmap of how to present particular categories of cases, outlining the obligatory evidence for each type of case while understanding the manner in which that evidence should be shown.



“Jurors construct stories out of the evidence they’re shown and filter their stories through their biases, mental shortcuts, and jury instructions to arrive at a verdict. Being a successful trial lawyer is about the facts that win and how you communicate those facts so that they are completely absorbed by the jury.

—Bobby DiCello



“During my work for Fortune 100 companies, I did extensive focus grouping. Most of them involved a mock trial pitting lawyer against lawyer—and those are better measurements of the effectiveness of the attorneys in the room, than of the case issues being analyzed. The approach at the DiCello Levitt Trial Center is entirely different. We stay true to the undisputed facts of the case. And facts will win cases.

—Greg Gutzler



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