

# MAGNUS<sup>®</sup>

Research & Graphics

STRATEGIC DISPUTE RESOLUTION<sup>®</sup>



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[www.magnusweb.com](http://www.magnusweb.com)

### *Imagine...*

*Imagine* a case where you know the impact of human dynamics, in addition to the law and the issues...

*Imagine* a case where you understand the finder of fact, whether arbitrators, mediator, judge or jury...

*Imagine* a case where you have had the opportunity to try several theories or themes and can select the one that is most effective prior to going to trial, arbitration, or mediation...

*Imagine* knowing which jurors to accept because they have a statistical probability to support your case - and which to challenge because they will be hostile...

*Imagine* relying on scientific procedures, psychological analysis of fact finder responses, and critical, professional polling of the community, instead of decision making based on myths, biases, and stereotypes...

*Imagine* having all this knowledge before you take a deposition, during discovery, before mediation, before arbitration, and, of course, before trial...

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**Scientific jury ADR and research services** are the hallmark of the very best legal representation. Even the most thoroughly prepared attorneys benefit from the insights which can be gained through research.

**Magnus'** research, consultation, and graphics services will provide these benefits, and more, for your client. Magnus' scientific evaluation of case issues have been proven, since 1993, to provide Insights for Successful Litigation. Experience the difference of adding scientific evaluations and Magnus' Strategic Insights in your next case.

***Magnus provides Insights for Success<sup>®</sup>***

**Call us at (954) 784-0110.**

View our website, [www.magnusweb.com](http://www.magnusweb.com), for complete information on Magnus Research Consultants and Magnus Graphics, including our services, curriculum vitae, CLE courses, testimonials from clients, and much more.



## Magnus' Principals

Magnus was founded in 1993 by Dr. Melissa Pigott and David H. Fauss. Magnus provides ADR, trial and litigation consulting services nationally.

**Melissa Pigott, Ph.D.** *Director of Research, Magnus Research Consultants, Inc.*

Dr. Melissa Pigott is a social psychologist and a renowned expert in group dynamics and decision making. She has been conducting research in the area of psychology and the law since 1980 and has over 30 publications in major psychology and law journals. Dr. Pigott is a frequent lecturer at law firms and legal seminars; she has lectured on a variety of topics pertaining to human behavior in litigation contexts. Dr. Pigott has selected over 200 juries and has performed thousands of mock ADR and jury studies involving billions of dollars in claims. Her professional experience in the litigation arena is unsurpassed.

**David H. Fauss, M.S.M.** *Director of Consulting Services, Magnus Research Consultants, Inc. President, Magnus Graphics, Inc.*

Mr. Fauss is in charge of the operation of Magnus' businesses and is the primary client liaison; he is responsible for business development, case intake, proposal generation, and logistical management. Mr. Fauss holds a Master's degree in Management from Georgia Institute of Technology.

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### *In our clients' words*

The best proof of our successes is in comments from our clients, a selection of which are below. Please see the References section of our website, [www.magnusweb.com](http://www.magnusweb.com), for more client comments and video testimonials.

*“Trial lawyers and litigators who don't use Magnus' research and insights are short-changing themselves and their clients.”*

*“In addition to the **intellectual strength Magnus brings to the table**, I am even more impressed with its extra-ordinary preparation, organizational, and problem-solving skills.”*

*“The benefits **Magnus provided us** in the case were numerous and included **facilitating an improved relationship with our client based on improved mutual understanding of the important dynamics in the case.**”*

*“The mock trial results **gave us greater insight into the value of the case**, and therefore, it enabled us to make an educated settlement decision.”*

*“I think all of us who interacted with you felt we had found in **Magnus a new member of the team.**”*

*“It is **Dr. Pigott's scientific background** and her ongoing research in the field of cognitive psychology that places her several cuts above her closest competitors.”*

*“Whether it is a focus group, mock trial or a jury selection, I find that the procedure, the comments and the insights, as organized by Dr. Pigott, **are right on the money.**”*

*“Lawsuits involve calculated risks. Magnus helps the attorney assess those risks.”*

Magnus' Litigation Services are divided into several categories. Often, services from various categories are used in combination with one another, in phases, to provide a maximum amount of information. All research services may be used prior to mediation, arbitration, or trial.

### ISSUE EVALUATION RESEARCH METHODOLOGIES

*Community Attitude Survey • Case Analysis Survey • Focus Group Research • Case Issue Consultation*

Issue Evaluation Research Methodologies are designed to be utilized early in a case to assist in the discovery process. These methods are useful for cases with complex issues. Issue Evaluation methodologies involve a non-adversarial approach.

#### **COMMUNITY ATTITUDE SURVEY**

Community Attitude Surveys are warranted when: the issues or parties involved in the litigation are high profile; the case issues are unique; juror profiling is desired; and/or to support a venue change motion. Community Attitude Surveys are typically conducted via telephone interviews of jury eligible citizens in the trial venue.

#### **CASE ANALYSIS SURVEY**

A Case Analysis Survey determines arbitrators' or jurors' attitudes and perceptions regarding key issues specific to ADR or a lawsuit. Case Analysis Surveys aid in structuring discovery around what decision makers want to know, or need to know. This research provides early identification of case strengths and weaknesses.

#### **FOCUS GROUP RESEARCH**

Focus Group research involves a discussion of pertinent case issues to assess fact finders' reaction to case facts and examines the human dynamics involved in the case. The Focus Group is an informal discussion among the attorney, psychologist, and research participants in which they "lead" the attorney through their questions and comments.

#### **CASE ISSUE CONSULTATION**

Magnus' Litigation Consultants provide insights to the litigator in order to evaluate critical case issues. Case Issue Consultation typically includes document review and "brainstorming" conferences with the attorney.



## **LIABILITY & DAMAGES RESEARCH METHODOLOGIES**

*Case Strength Evaluation Research • Mock Trial Research  
Bench Trial/Arbitration Panel Simulations • Mediation Rehearsal*

Liability and damages evaluations are designed around the parameters of the case. Case complexity, number of parties, and damages potential are among the variables which determine the scope of the research. Research methods involve an adversarial approach with arguments on behalf of the plaintiff(s) and defendant(s).

### **CASE STRENGTH EVALUATION RESEARCH**

Case Strength Evaluation Research evaluates the strengths and weaknesses of a case prior to mediation, arbitration, or trial. Magnus analyzes detailed information about plaintiff and defense positions on liability and damages. Both qualitative and quantitative methodologies are utilized.

### **MOCK TRIAL RESEARCH**

Mock Trials are the most comprehensive of the qualitative methods used for case evaluation. A Mock Trial allows lengthy presentations of plaintiff and defense cases, including live or previously recorded witness testimony.

### **ARBITRATION PANEL / BENCH TRIAL SIMULATIONS**

Mock Bench Trials and Mock Arbitration Panels evaluate the likely decision making process of the judge or arbitrators. Several surrogate triers of fact are utilized to provide input which forms the basis for Magnus' feedback and recommendations. Participants render individual decisions as well as engage in group discussions.

### **MEDIATION REHEARSAL**

Mock mediations consist of plaintiff and defense presentations to a panel of mediators who individually report their impressions of the attorney presentations and the case facts. Mediators also engage in a focused group discussion moderated by the consultant.

## **VOIR DIRE SERVICES**

*Jury Selection • Development of Voir Dire Questions • Supplemental Juror Questionnaire*

Voir Dire Services are provided to prepare the litigator for this critical stage in the trial process.

### **JURY SELECTION/DEVELOPMENT OF VOIR DIRE QUESTIONS**

Magnus prepares case specific voir dire questions to elicit maximum information from the venire. The questions are prepared based on variables which social science research, and our experience, have shown to correlate with verdict. Magnus' voir dire consultation maximizes the chances of empanelling the most favorable group of jurors.

### **SUPPLEMENTAL JUROR QUESTIONNAIRE**

Supplemental Juror Questionnaires (SJQs) are utilized during the voir dire process when the case involves sensitive or high profile issues. SJQs permit prospective jurors to reveal personal experiences and attitudes privately, to obtain more honest responses than public statements made in open court.

### SUPPORT

Magnus Graphics, Inc. is an affiliate of Magnus Research Consultants, Inc. and specializes in providing creative, memorable, visual solutions to enhance case information presented at arbitration, mediation, or trial. Building on Magnus Research Consultants' wealth of knowledge on perceptions and decision making, Magnus Graphics works with clients to prepare cases — visually. The Magnus Graphics team consists of Magnus Research Consultants' team members as well as animators, graphic designers, medical illustrators, photographers, and videographers.

### SERVICES

- Electronic Multimedia Presentations
- Animations
- Timelines
- Document Enhancements
- Graphs/Diagrams/Flow Charts
- Photography/Videography
- Day in the Life Documentaries
- Video Editing

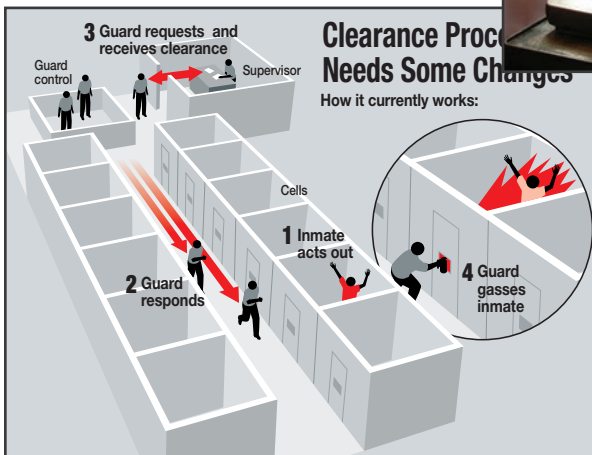
**\$500K Not my \$**  
 Q. Did you wire transfer it, sir?  
 A. No, I didn't.  
 Q. That statement in the complaint isn't so?  
 A. The statement, no.  
 Q. So any money that's owed isn't owed to you is it?  
 A. No, it's not owed to me.  
 Q. Paragraph 6A. Whoever it was that sent money on July 8th, 1999 it wasn't you was it?  
 A. Well, it wasn't me.

**\$150K No proof**  
 Q. (Do you have any documentary support for that contention?)  
 A. No, I don't.  
 Q. Okay. From what account was the money wire transferred?  
 A. I don't know.  
 A. I don't know where it was sent from.

**6. As part of this partnership from July, through March Smith wire-transferred:**  
 (a) \$500,000 to New York on July 8<sup>th</sup>  
 (b) \$150,000 to Spain, on January 15,  
 (c) \$1,000,000 to New York on January 15, and  
 (d) \$350,000 to Geneva on March 1  
 to accounts in the name of Jones

**\$1 million No proof**  
 Q. (Do you have any documentary support for that contention?)  
 A. No, I don't have it.  
 Q. Please tell me where it came from.  
 A. I don't know where it came from.

**\$350K Not my \$**  
 Q. Exhibit 13 is a statement of an account  
 A. Right.  
 Q. Not your account?



**A needs assessment** is conducted by Magnus' partners on each and every case Magnus discusses with clients.

**Proposals** are prepared based on discussions with the litigator and with consideration of all issues, facts, and other constraints.

**Research design** and methodological choices are crucial to the efficacy of the research. Magnus' methodological recommendations are a product of extensive training and many years of experience. Magnus carefully recruits eligible respondents who reflect the composition of the fact finders in the trial venue.

**Timing** of Magnus' involvement is crucial. The maximum benefit of utilizing Magnus' services in case preparation is achieved by early inclusion of Magnus as part of the trial team. Knowing the strength of the case prior to arbitration or mediation will maximize your negotiating position.

**Reports** are the culmination of all research efforts. All reports are written on a case specific basis by, or under the direction of, Magnus' Director of Research.

**The Magnus Approach** involves the efforts of its skilled research and graphics teams. It is Magnus' goal to become an integral member of the trial team to enable the attorney to do everything possible to serve the interests of his or her client.

**Results**, and case outcomes, are greatly enhanced by incorporating the research and consultation services provided by Magnus. Strategies leading to the most favorable ADR and litigation resolutions are possible when our recommendations are followed. With the expertise of Magnus on your team, your clients will know you have done everything possible to assist them.



**Magnus Research** is a full service ADR/litigation research and consulting firm that provides custom designed research methodologies. The fees for most of Magnus' services are quoted on a project basis. Consultation only services, for example, Voir Dire Consultation and Case Issue Consultation, are quoted on a daily or hourly basis.

**Magnus Graphics'** fees are determined by the nature and extent of the services required. Consultation, design, and presentation services are provided on an hourly basis. Mediation, arbitration or in court presentation services are based on day rates.

### *Case Experience*

Admiralty	Defamation	Machinery (Heavy Equipment, etc.)	Prosthetic Devices
Advertising	Dog Bites	Media	Railroad
Agricultural	Drowning	Medical Equipment & Devices	Real Estate
Alcohol/Liquor Liability	Electrocution	Medical Malpractice	Religious Organizations
Antitrust	Eminent Domain	Motorcycle, ATV, Jet Ski Accidents	Retail Businesses
Asbestos	Employment	Murder	Schools & Day Care Center
Automobile Accidents	Entertainment	Nursing Home	Sexual Assault
Aviation	Environmental	Oil & Gas	Sexual Harassment
Boating Accidents	Financial Securities & Investments	Patent & Trademark	Slip & Fall
Cemetery & Burial Issues	Fraud	Personal Safety	Telecommunications
Chemicals	Governmental Entities	Pharmaceuticals	Theft
Child Abuse & Molestation	Hospitality (Hotels, Bars, Restaurants)	Physical Assault	Tobacco
Civil Rights	Hurricane/Storm Damage	Premises Liability	Toxic Torts
Class Actions	Insurance (Bad Faith, etc.)	Products Liability	Transportation/Trucking
Construction & Engineering (Road & Building)	Internet Fraud	Professional Malpractice (Legal, Accounting, etc.)	Vehicle Rollovers
Contracts	Law Enforcement		White Collar Crime
	Lender Liability		Workplace Accidents

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