AGENDA

COURSE NO. 180905P00

DESCRIPTION

In this program Greg Cusimano, David Wenner, and Ed Lazarus explore the psychological tools that attorneys can use to prepare and present cases that connect with jurors. They focus on using the Jury Bias Model and Bottom-Up Preparation as a basis for understanding juries and how to frame a case in a way aligns with the jurors' beliefs and values.

This seven-part program will cover:

- Goals of the Program
- Civil Justice
- Attitudes and Beliefs of Jurors
- General Beliefs
- Personal Responsibility
- Types of jurors
- Framing Your Case
- Ten Commandments to Address Jury Bias
    - Narrative
    - Confirmation Bias
    - Belief Perseverance Principle
    - Availability Principle
    - Norm Principle
    - Fundamental Attribution Error
    - Hindsight Principle
    - Empathy Principle
    - Anchoring Principle
    - Framing Principle
- Changing Attitudes of Jurors
- Decision Making

- System Approach
- Bottom-Up Preparation Process
- The Social Science Behind the Process
- Building a Narrative
- Political Strategy and the Jury
- Principles of Effective Communication
- The Message
- Message Implementation Primer
- Developing a Core
- Framing your Message
- Moral Foundation Theory
    - Foundation #1: Care Versus Harm
    - Foundation #2: Fairness Versus Cheating
    - Foundation #3: Loyalty Versus Betrayal
    - Foundation #4: Authority Versus Subversion
    - Foundation #5: Sanctity Versus Degradation
- The Breadth of Your Story
- The Role of Bias in the Courtroom
- Automatic Thinking and Decision Making
- Using Psychological Understanding in your Case
- The Power of Belief
- The Importance of Facts
- How Jurors Make Decisions
- Role of the Plaintiff's Lawyer
- Communication Theory
- Use in Trial
- Listening
- Storytelling

TRIAL GUIDES™

EDUCATIONAL MATERIALS

Cusimano, Greg and David Wenner (2018) "Jury Bias Model & Bottom-Up Preparation Overview." (PowerPoint, 105 pages).

Lazarus, Edward (2018) "Strategy and Message." (PowerPoint, 15 pages)

Lazarus, Edward (2018) "Reframing the Status Quo" (PowerPoint, 10 pages)

Lazarus, Edward (2018) "Using Moral Foundation Theory." (PowerPoint, 8 pages).

Lazarus, Edward (2018) "Don't Swim Against the Tsunami, or The Power of Belief." (PowerPoint, 17 pages).

Trial Guides (2020). "Reference Guides" (26 pages)

Total Educational Materials 181 Pages

TIMED AGENDA

JURY BIAS MODEL & BOTTOM-UP PREPARATION: PART ONE	
:00	GOAL OF THIS PROGRAM
:14	CIVIL JUSTICE
:36	ATTITUDES AND BELIEFS OVERVIEW
:44	GENERAL BELIEFS
1:00	PERSONAL RESPONSIBILITY
1:10	VICTIMIZATION, BLAME, AND "STUFF HAPPENS"
1:33	END OF PROGRAM
TOTAL MINUTES: 93 MIN	

JURY BIAS MODEL & BOTTOM-UP PREPARATION: PART TWO	
:00	FRAME
:17	TEN COMMANDMENTS (1-5)
:47	TEN COMMANDMENTS (6-10)
1:22	END OF PROGRAM
TOTAL MINUTES: 82 MIN	

ADDRESSING JURORS & THE SOCIAL SCIENCE BEHIND THE PROCESS	
:00	CHANGING ATTITUDES OF JURORS
:18	BOTTOM-UP PREPARATION
:38	SOCIAL SCIENCE
:48	REPRESENTATIVENESS
1:18	END OF PROGRAM
TOTAL MINUTES: 78 MIN	

DEVELOPING A STRATEGY & EFFECTIVE MESSAGE TO ADDRESS THE JURY	
:00	POLITICAL STRATEGY AND THE JURY
:20	PRINCIPLES OF EFFECTIVE COMMUNICATION
:41	MORE PRINCIPLES OF EFFECTIVE COMMUNICATION
1:05	EXAMPLES
1:19	MESSAGE IMPLEMENTATION PRIMER
1:35	FRAMING
2:04	END OF PROGRAM
TOTAL MINUTES: 124 MIN	

TRIAL GUIDES

MORAL FOUNDATION THEORY & THE BREADTH OF YOUR STORY

:00	MORAL FOUNDATION THEORY
:04	FOUNDATION #1: CARE VERSUS HARM
:07	FOUNDATION #2: FAIRNESS VERSUS CHEATING
:14	FOUNDATION #3: LOYALTY VERSUS BETRAYAL
:24	FOUNDATION #4: AUTHORITY VERSUS SUBVERSION
:35	FOUNDATION #5: SANCTITY VERSUS DEGRADATION
:50	DOES YOUR STORY HAVE ENOUGH BREADTH?
1:16	END OF PROGRAM

TOTAL MINUTES: 76 MINUTES

BIAS & BELIEF IN THE COURTROOM

:00	CONFIRMATION BIAS
:05	CONSCIOUS MIND/PRECONSCIOUS MIND/UNCONSCIOUS MIND
:16	AUTOMATIC THINKING – DECISION MAKING
:30	HOW CAN THIS BE USED IN TRIAL?
:44	POWER OF BELIEF
:54	RELEVANCE TO PRACTICING LAW
1:21	THE IMPORTANCE OF FACTS
1:40	END OF PROGRAM

TOTAL MINUTES: 97 MINUTES

HOW JURORS MAKE DECISIONS, & THE IMPORTANCE OF LISTENING

:00	HOW JURORS MAKE DECISIONS
:30	PLAINTIFF'S LAWYERS ROLE
:49	COMMUNICATION THEORY
1:16	HOW CAN THIS BE USED IN TRIAL?
1:38	LISTENING EXERCISE
1:48	STORY IN YOUR CASE
2:00	END OF PROGRAM

TOTAL MINUTES: 120 MINUTES

TOTAL TIME: 670 MINUTES
11 HOURS 10 MINUTES

TRIAL GUIDES™

PRESENTERS

GREG CUSIMANO

- Partner, Cusimano, Roberts, and Mills, LLC
- Co-founder, Winning Works LLC
- Co-Author, *Winning Case Preparation: Understanding Jury Bias*
- J.D., University of Alabama School of Law
- B.A., University of Alabama

Admissions: Alabama, United States Federal Court, United States Supreme Court

Greg Cusimano is the co-creator of the Jury Bias Model™ (with David Wenner), a member of the American Board of Trial Advocates, Best Lawyers of America, Superlawyers, and has been heavily involved with AAJ for much of his career. He is co-editor of ATLA's six volume text Litigating Tort Cases. He is one of few to receive the Lifetime Achievement Award bestowed by the American Association for Justice (formally ATLA®). Cusimano is also a member of the American Society of Trial Consultants in his role as a founding principal in Winning Works, LLC.

WEBSITES
https://www.alabamatortlaw.com/gregory-s-cusimano.html
www.winningworks.com/

LINKEDIN
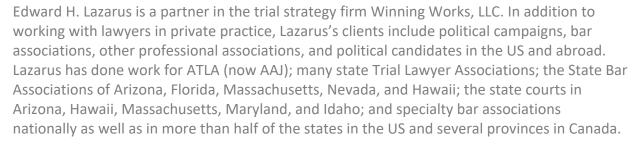https://www.linkedin.com/in/gregory-cusimano-8370a59/

TRIAL GUIDES
https://www.trialguides.com/authors/greg-cusimano/

NOTABLE AWARDS/HONORS
- Over and Above Award, 2015, American Association for Justice
- Sam W. Pipes Distinguished Alumni Award, 2013, University of Alabama Law School
- Walter P. Gewin Award, for contribution to legal education in Alabama
- Alabama Association for Justice established the Gregory S. Cusimano Award in 2013 (for emerging leaders)
- Alabama Association for Justice presents The Cusimano Symposium in his honor annually
- Leonard C. Ring Champion of Justice Award, American Association for Justice
- And many, many more

TRIAL GUIDES™

ED LAZARUS

- Owner, Lazarus Strategic Services and Public Relations
- Co-founder, Winning Works LLC
- Co-Author, *Winning Case Preparation: Understanding Jury Bias*
- B.A., University of California, San Diego

Edward H. Lazarus is a partner in the trial strategy firm Winning Works, LLC. In addition to working with lawyers in private practice, Lazarus's clients include political campaigns, bar associations, other professional associations, and political candidates in the US and abroad. Lazarus has done work for ATLA (now AAJ); many state Trial Lawyer Associations; the State Bar Associations of Arizona, Florida, Massachusetts, Nevada, and Hawaii; the state courts in Arizona, Hawaii, Massachusetts, Maryland, and Idaho; and specialty bar associations nationally as well as in more than half of the states in the US and several provinces in Canada.

From 2000 through 2004, Lazarus was the Senior Vice President of State Affairs at ATLA (currently AAJ). In that capacity he assisted state trial lawyer organizations with legislative research, political, legislative, and organizational advice.

In 1994, Lazarus served as Assistant to the Chairman of the Democratic National Committee (DNC) in charge of Strategic Communications, directing the Research and Communications departments of the DNC. Lazarus developed message strategy for the DNC, and coordinated message and communications strategy among the DNC, the White House, and the House and Senate Democratic leadership.

Lazarus was a founding partner in the political polling and campaign strategy firm Mellman & Lazarus from 1981 through 1993. Among his clients were then US Senator Al Gore; Senate Minority Leader Tom Daschle (SD); Representitive Dick Gephardt (MO); Senators Harry Reid (NV), Barbara Boxer (CA), Carl Levin (MI), Ron Wyden (OR), Howard Metzenbaum (OH), John Glenn (OH), and Dan Akaka (HI); as well as many other members of the US House and local elected officials..

WEBSITES
http://www.winningworks.com/

LINKEDIN
https://www.linkedin.com/in/ed-lazarus-7543754/

TRIAL GUIDES
https://www.trialguides.com/authors/edward-h-lazarus/

TRIAL GUIDES™

DAVID WENNER

- Partner, Snyder and Wenner, P.C.
- Applied Jury Scientist/Behavioral Realist, Jury Bias Institute/Winning Works
- Co-Author, *Winning Case Preparation: Understanding Jury Bias*
- Board of Trustees, American Association for Justice national College of Advocacy
- J.D., Arizona State University
- M.S.W., Individual and Group Psychotherapy, Family Therapy and Social Casework, University of Washington
- B.A., Social Psychology, Wayne State University

Admissions: Arizona, USDC of Arizona, 9th Circuit Court of Appeals, United States Supreme Court

As a partner in the Phoenix law firm of Snyder & Wenner, P.C., Mr. Wenner has spent the last two decades prosecuting wrongful death and catastrophic injury accident cases, speaking to lawyers across the country on juror bias and decision-making, and creating a successful juror bias model.

WEBSITES
http://www.snyderwenner.com/david-wenner/
www.winningworks.com/

LINKEDIN
https://www.linkedin.com/in/david-a-wenner-245973b/

TRIAL GUIDES
https://www.trialguides.com/authors/david-wenner/

NOTABLE AWARDS/HONORS
- Best Lawyers in America, 2000–present
- Super Lawyers 2007–present
- Diplomate of Trial of Advocacy – National College of Advocacy, 1997
- Advanced Studies in Trial Advocacy, 2007
- Co-Developer of ATLA's Overcoming Juror Bias Program
- Co-Developer of Descriptive and Jury Bias Model™