

Using Attitudinal Research in Drug and Medical Device Defense

Attitudes against large corporations constitute one of the most pervasive biases affecting civil litigants today. Rather than being restricted to a small and young demographic, the belief that companies tend to be dishonest, irresponsible, and driven by greed is a majority opinion that has remained consistent over a number of years. Our own national research has explored this bias, in particular against medical device companies, finding, for example, that medical device companies have more responsibility to warn patients than do doctors. We have developed strategic and practical ways for medical device corporate litigants to identify and mitigate this bias during trial. Methods include analytic tools to reliably measure potential jurors with the highest levels of anti-corporate bias, as well as persuasive tools to tailor your message to counter anti-corporate bias. Topics include:

- The proportion of the population holding anti-corporate attitudes
- The degree to which attitudes have changed over time, particularly during poor economic times
- The attitudes, experiences, and demographics that correlate with high anti-corporate bias
- Persuasion Strategies' own validated scale measuring juror anti-corporate bias
- The mock trial research revealing jurors' beliefs that medical device companies must protect patients and have a greater duty to warn
- The ingredients to a successful defense in medical device cases, including focused effective voir dire and themes

The Problem

The Device?



...Or The Doctor?



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Mock Trial Research:
Company Has More Responsibility to Warn Than Doctor

Juror A: 3.00
Higher Anti-Corporate

Juror B: 2.43
Lower Anti-Corporate

The doctor is not on trial...

Yeah, but the company needs to label clearly, just like a can of hairspray...

It is up to the company to make sure the doctor reads it.



But he is the one in the position to decide...

But the company *did* label...

How can the company do that?

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