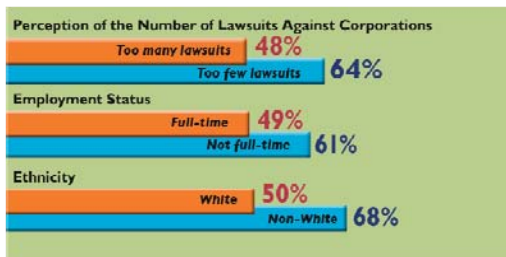


Addressing Juror Bias in Sports Products Liability Litigation

Significant lawsuits against product manufacturers – and especially sports product manufacturers – continue to proliferate and make national news. The average jury-eligible consumer is more aware of product safety issues than ever. This presentation highlights lessons learned from our recent product litigation experience and our 2010-2011 National Jury Research Project involving a sports products liability fact pattern. We discuss juror perceptions of product liability claims and offer specific recommendations for identifying high-risk jurors using Persuasion Strategies Anti-Corporate Bias Scale. The scale was developed from assessments of more than 2900 participants and evaluates key juror attitudes about corporate conduct, government regulations, ethics, and lawsuits. The scale has been consistently predictive of bias against corporations, and has applied specifically to sports product liability disputes. Topics include:

- Leveraging jurors' personal responsibility bias in defense of your product
- Telling a persuasive product safety story
- Identifying juror perceptions of concussion injuries and concussion lawsuits
- Embracing a safety standard that jurors will find meaningful
- Addressing jurors' beliefs that manufacturers should test products more thoroughly
- Identifying and deselecting high-risk jurors using Persuasion Strategies Anti-Corporate Bias Scale

Proportion of potential jurors who would pursue a lawsuit against a helmet maker knowing the company could have offered a helmet with greater protection:



Embrace Both Burdens: Law and Fairness



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