



**Kevin R. Bouilly, Ph.D.**

Senior Litigation Consultant

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**Dr. Kevin Bouilly** has been active in litigation consulting since 2001. His master's degree in forensic psychology and doctorate in legal communication focus on persuasion, small group influence, and jury decision making. Dr. Bouilly has analyzed and advised on a full range of cases from complex commercial matters to products liability to highly contentious patent cases, and more. Dr. Bouilly is the coauthor of a book on persuasion in intellectual property litigation entitled *Patently Persuasive*, published by the American Bar Association Section of Intellectual Property. Dr. Bouilly is a current Board Member of the American Society of Trial Consultants and a past Associate Editor and advisor to the jury research and courtroom communication publication, *The Jury Expert*. He has published and presented on litigation and legal persuasion topics across the United States.

**REPRESENTATIVE EXPERIENCE**

Dr. Bouilly has deep experience in intellectual property, products liability, complex commercial, medical malpractice, sports-related injury disputes and more.

He has consulted on a variety of injury and products-related cases on behalf of ski resorts, product manufacturers, and outdoor recreation organizations. That experience includes designing and implementing multiple stages of jury research, analyzing results, and translating findings into trial strategy. In one particular sports product liability case, informed by jury research, Dr. Bouilly assisted trial counsel from jury selection through closing argument, helping develop persuasive arguments, preparing witnesses and counsel for clear and effective witness testimony, and assisting counsel in delivering powerful cross-examination of opposing witnesses. Following the jury verdict, Dr. Bouilly completed individual juror interviews to learn additional lessons from the actual jury.

Dr. Bouilly has consulted on a variety of intellectual property litigations including patent infringement, trade dress, trademark, and trade secret disputes on behalf of Fortune 500 companies in a variety of industries. Dr. Bouilly has helped design, execute and analyze jury

research, develop case themes, recommend and develop substantial changes in trial strategy, develop jury selection strategy and voir dire, and more in significant intellectual property disputes including high-stakes patent cases and more.

## EDUCATION

Ph.D. Legal Communication, Communications Studies – University of Kansas, Lawrence, Kansas. 2005. Emphasis on legal communication.

M.A. Forensic Psychology – University of Denver, Denver, Colorado. 2002. Emphasis on jury decision making.

B.A. with Honors, Psychology – University of Kansas, Lawrence, Kansas. 2000. Emphasis on Crime and Delinquency Studies.

## MEMBERSHIPS AND AFFILIATION

American Arbitration Association – 2013 to present

American Association of Public Opinion Research – 2002 to present

American Bar Association – 2007 to present

American Intellectual Property Law Association – 2012 to present

American Psychological Association – Psychology and Law Division – 2002 to present

American Society of Trial Consultants – 2000 to present

American Society of Trial Consultants – Board Member – 2018 – present

Communication and Law Commission of National Communication Association – 2002 to present

Living Earth Agricultural Farm (LEAF) – Board Member – 2018 - present

Sports Fitness Industry Association – 2011 - 2016

## SELECTED PUBLICATIONS

Bouly, K.R., Spiecker, S.C., Broda-Bahm, K. (November, 2017). *Jury Persuasion in an 'Alt-Fact' World*. Law360.

Bouly, K.R., J. Lee Gray (April, 2017). *Managing Recall Evidence in the World of Runaway Punitive Damages*. For the Defense.

Bouly, K.R. (February, 2015). *"Mea Culpa" in the Courtroom: Apology as a Trial Strategy*. The Jury Expert.

Bouly, K.R., Lisko, K.O. (September, 2013). *Patently Persuasive*. American Bar Association Section of Intellectual Property Litigation.

Bouly, K.R., Lisko, K.O. (October, 2012). *How to Look at Patent Case Juries*. Executive Counsel.

Bouly, K.R., Lisko, K.O. (September, 2012). *Should I Request a Jury Trial?* Managing Intellectual Property – The Global Resource @ [www.managingip.com](http://www.managingip.com).

Bouly, K.R. (April, 2012). *The Head and Heart: Juror Perceptions of Sports Concussion Litigation*. Persuasion Strategies.

- Bouly, K.R. (September, 2011). *High-Risk Jury Persuasion in Sports Product Litigation*. Published by DRI.
- Bouly, K.R. (January, 2010). Book Review: *Principles and Practice of Trial Consultation*, by Stanley L. Brodsky. The Jury Expert. Published by the American Society of Trial Consultants.
- Bouly, K.R. (November, 2009). *Keep Survivors On Your Next Jury Panel*. *The Writ*, Vol. 31 No. 10. Published by the Washoe County Bar Association.
- Bouly, K.R. (September, 2009). *Response to Meyer* by Kevin Bouly. Response to G. Meyer's "Will it Hurt Me in Court?" The Jury Expert. Published by the American Society of Trial Consultants.
- Bouly, K.R., Broda-Bahm, K., Lisko, K.O., Spiecker, S.C. (September, 2009). *Corporate America in Lean Times: Do Today's Jurors Have Shallow Sympathy for Deep Pockets?* InsideCounsel.
- Bouly, K.R. (June, 2009). *See Your Jury Case: The Pitfalls of Lawyer Vision*. Written for the Colorado County Attorneys Association. Vail, Co. Persuasion Strategies.
- Bouly, K.R. (November, 2008). *The American Jury: A Book Review*. The Jury Expert. Published by the American Society of Trial Consultants.
- Bouly, K.R., Broda-Bahm, K., Lisko, K.O., Spiecker, S.C. (September, 2008). *Are Judges Becoming More Like Jurors?* InsideCounsel.
- Bouly, K.R. (2007). "Mea Culpa" in the Courtroom: Perceptions of Defendant Apology at Trial. *International Journal of Speech, Language, and the Law*, 14 (2). 301-304.
- Bouly, K.R., Broda-Bahm, K., Lisko, K.O., Spiecker, S.C. (September, 2007). *Arbitration v. Jury Trial: What is the Real Difference?* InsideCounsel.
- Bouly, K.R. (April, 2007). "Mea Culpa" in the Courtroom: Apology as a Trial Strategy. Published by the American Society of Trial Consultants, The Jury Expert.
- Bouly, K.R., Broda-Bahm, K. (February, 2007) *Spotting, and Persuading Anti-Corporate Jurors: Their Bias Takes Many Forms Calling for a Nuanced Approach*. The National Law Journal.
- Bouly, K.R., Broda-Bahm, K., Lisko, K.O., Spiecker, S.C. (August, 2006) *Mocking Corporate America*. InsideCounsel.
- Bouly, K.R., Broda-Bahm, K., Lisko, K.O., Spiecker, S.C. (July, 2006) *Anti-Corporate Bias is a Given, but Corporations Should Not Give Up on the Courtroom*. Persuasion Strategies.
- Bouly, K.R., Spiecker, S.C. (2004). *The Current Climate for Today's Nursing Home Defendant*. Written for the Defense Research Institute. Denver, CO.: Persuasion Strategies.
- Bouly, K.R. (2002). *Legal Attitudes and Jury Behavior When Juveniles are Tried as Adults*. Master's Thesis written for the University of Denver.

## SELECTED PRESENTATIONS

- Bouly, K.R. (December, 2018). *Product Liability Persuasion In the 'Alt-Fact' Era*. Presentation to Littleton Park Joyce Ughetta & Kelly in New York, NY.
- Bouly, K.R. (September, 2018). *Persuading in the World of Fake News and "Alt-Facts"*. Presentation to Air Methods Legal Retreat in Silverthorne, CO.

- Bouly, K.R. (May, 2018). *How Are "Alt Facts", "Fake News", and Millennial Jurors Affecting Courtroom Strategy?* Presentation to the Virginia Association of Defense Attorneys in Charlottesville, VA.
- Bouly, K.R. (April, 2018). *Jury Persuasion in the Fake News Era*. Presentation to large law firm in San Diego, CA.
- Bouly, K.R., Brimmer, G. (March, 2018). *Real Persuasion in the Fake News Era*. Presentation to National Institute of Trial Advocacy in Boulder, CO.
- Bouly, K.R. (March, 2018). *Takes on the Takers: Today's Perceptions of Energy Companies and Condemnation*. Presentation to IRWA in Denver, CO.
- Bouly, K.R., Spiecker, S.C. (February, 2018). *How Are "Alt Facts", "Fake News", and Millennial Jurors Affecting Courtroom Strategy?* Presentation to large law firm in Austin, TX.
- Bouly, K.R., Spiecker, S.C. (February, 2018). *How Are "Alt Facts", "Fake News", and Millennial Jurors Affecting Courtroom Strategy?* Presentation to large oil company in Austin, TX.
- Bouly, K.R., Spiecker, S.C. (February, 2018). *Trial Persuasion In an "Alt-Fact World"*. ClearLaw Webinar in Denver, CO.
- Bouly, K.R., Brimmer, G., Zeigler, J., Werstak, S., Ezell, S. (November, 2017). *Trial Advocacy In a World of Fake News and Alternative Facts*. Presentation to the ABA Women's Litigation Conference in Philadelphia, PA.
- Bouly, K.R. (November, 2017). *Building a Persuasive Construction Case*. Presentation to the Colorado Bar Association CLE Training in Denver, CO.
- Bouly, K.R. (November, 2017). *Economic Expert Witnesses – A Primer for Trial Testimony*. Presentation to the Idaho 2017 Bench Bar Conference in Boise, ID.
- Bouly, K.R., Spiecker, S.C. (November, 2017). *Trial Persuasion in An "Alt-Fact World."* Presentation to large law firm in Chicago, IL.
- Bouly, K.R., Broda-Bahm, K. (October, 2017). *Trial Persuasion in An "Alt-Fact World."* Presentation to the American College of Trial Lawyers in Sun Valley, ID.
- Bouly, K.R. (September, 2017). *Trying Warnings Cases In the Fake News Era*. Presentation to large law firm in Rancho Bernardo, CA.
- Bouly, K.R., Spiecker, S.C. (August, 2017). *Fake News and the Reality of Juror Decision Making - Making Persuasion Pertinent and Permanent in 2017*. Presentation to large law firm in Houston, TX.
- Bouly, K.R., Fuchsberger, A.B. (September, 2016). *Social Media's Growing Role in Representing Corporations*. Presentation to the Association of Corporate Counsel in Boise, ID.
- Bouly, K.R. (April, 2016). *Thriving During Medical Malpractice Litigation*. Presentation to The Doctors Company in Columbus, OH.
- Bouly, K.R., Brimmer, G.A., Witt, M.R., Fletman, Hon. A.F., Rebich, C.M. (October, 2015). *Courtroom Drama Ain't Just for Television*. Presentation to the ABA Women's Conference in Chicago, IL.
- Bouly, K.R., Spiecker, S.C., Broda-Bahm, K. (October, 2015). *What is the Real Difference? Arbitration v. The Jury Trial*. Presentation given to large construction company in Reston, VA.

- Bouly, K.R. (April, 2015). *Patently Persuasive: Reaching and Teaching Today's IP Decision Makers*. Webinar for prominent law firm. Chicago, IL.
- Bouly, K.R. (March, 2015). *Let's Eat Grandma! Lessons Learned in Litigation Communication*. Presentation to Rocky Mountain Paralegal Association, Denver, CO.
- Bouly, K.R., Spiecker, S.C. (September, 2014). *Several Angry Men and a Few Ticked Off Women: Fixing Common Mistakes in Jury Selection*. Presentation to Wyoming Bar Association. Cheyenne, WY.
- Bouly, K.R. (May, 2014). *Patently Persuasive: Reaching and Teaching Today's IP Decision Makers*. Presentation to prominent IP law firm. Minneapolis, MN.
- Bouly, K.R., Spiecker, S.C. (March, 2013). *Perceptions of the Oil & Gas Industry and How to Effectively Combat Bias*. Presentation to the Louisiana Mineral Law Institute. Baton Rouge, LA.
- Bouly, K.R., Lisko, K.O. (February, 2013). *What's the Real Difference? Choosing Between Judge, Jury and Arbitrator*. Presentation to prominent law firm in Cleveland, OH.
- Bouly, K.R. (November, 2012). *Powerful Communication: When You Most (and Least) Expect It*. Presentation to the University of Colorado Law School, Advanced Legal Writing Course, Boulder, CO.
- Bouly, K.R., Lisko, K.O. (September, 2012). *Patently Persuasive: Jury Selection and Persuasion*. Presentation given to prominent law firm in Chicago, IL.
- Bouly, K.R., Lisko, K.O. (August, 2012). *Patently Persuasive: Jury Selection and Persuasion*. ABA Annual Conference. Chicago, Illinois.
- Bouly, K.R., Lisko, K.O. (May, 2012). *Patently Persuasive: Reaching Today's IP Jurors*. Presentation to the Rocky Mountain Intellectual Property Conference. CO.
- Bouly, K.R. (February, 2012). *Several Angry Men and a Few Ticked Off Women*. Nevada Bar Association. Las Vegas, NV.
- Bouly, K.R., Broda-Bahm, K. (January, 2012). *When the Government Litigates: Idaho and National Views in Jury, Judge & Arbitration Settings*. Idaho Transportation Department, Boise, ID.
- Bouly, K.R. (November, 2011). *Persuading Today's IP Jurors*. Prominent fitness company, Salt Lake City, UT.
- Bouly, K.R. (October, 2011). *Five Answers: Modern Litigation Consulting*. University of Denver Graduation Presentation. Denver, CO.