

MAGNA FYI

FEBRUARY 2018



INTERVIEW

ANTHONY VALERIO,
MAGNA'S OWN CUPCAKE KING

EDITOR'S NOTE

PETER HECHT
EXECUTIVE V.P. OF SALES,
-MAGNA LEGAL SERVICES

CHOPPED!

PHOTOS AND RECAPS

FEATURED ARTICLES

EDITOR'S NOTE

Peter Hecht, Executive Vice President of Sales,

01

CHOPPED 2017 CONFERENCE

Photos from the mock trial competition

02

HOW JURY SHADOWING CAN SOLIDIFY YOUR VICTORY

08

TOP 10 LITIGATION CONSULTING TIPS

12

Q&A WITH MARK AARONS

V.P. and Deputy General Counsel

16



PETER HECHT | EXECUTIVE VICE PRESIDENT OF SALES AT MAGNA LEGAL SERVICES

EDITOR'S note

Friends of Magna,

I'm a traveler, not a globe trotter. More of an East Coast/West Coast thing with lots of stops at many of the fly-over states. I do both business and pleasure. Unfortunately, most of it is for the former. Don't get me wrong, I love seeing my friends in business and meeting new ones. It is by far my favorite thing to do while working. In 2017, I clocked about 100,000 miles in the air. And the perk for the miles travelled, premium status. Yay! That makes me eligible for 1st class upgrades, choice seats, waived fees and greater discretion from customer service reps.

So why am I yammering away about my travel addiction? I'll tell you... I was in the "premium" check-in line the other week standing behind a fellow traveler. We were about 8 people deep and things were moving slowly. Finally, I was next. I had waited a solid twenty minutes in line. Which is like an hour when you are living through it or if you are like me. So back to the guy in front of me. He waited twenty minutes too. Right? My math stinks. Anyway, he gets to the counter and he learns in quick order that he is in the wrong line (he's NOT premium!!!) and is asked to step aside to the longer general check-in. Wow! That is rotten. Right? I mean, great for me. I got up to the open agent right away, took care of my business and was on my way to TSA Precheck.

Later at the gate, I saw the same guy that was moved to the longer line. I felt guilty. He seemed fine. No wounds and his trip was still intact. But it made me think. Like, how ticked off would I have been if they made me go wait in another line? Would I have gone quietly? Probably not. The bigger question is, "What kind

of damage does something like that have on the customer experience?" I'm guessing it could be lots! Maybe he picks a different airline next time and maybe he doesn't. I don't like those odds as a business stakeholder.

So now bringing it all together and back to biz...the customer service experience at Magna is the whole enchilada. You are numero uno! You will not be passed around, your time is super important to us, and your concerns are our concerns. How you feel matters. And if you feel differently, I want to know. Yes, I want to know, so I can learn to improve our client experience and just maybe win you back. Enhancing the customer experience is our 2018 goal.

Now here's what else is going on at Magna:

Be on the lookout for JuryConfirm 3.0. Magna's patented online jury research focus group program just got even better. More to be announced soon.

Coming soon, from the mind of Mark Calzaretta, the patent pending, JuryEvaluator Plus case valuation tool. Launching in Q1.

Sold out! Magna's 3rd Annual March "CLE" Madness on the 14th and 15th with Special Guest Speaker- "Gregory Kevin "Bo" Kimble"

Registration is open for our upcoming CLE seminar "Showdown in South Beach: Battle of the Experts" on May 2nd and 3rd at The W South Beach in Miami, FL.

That's all folks... Wishing everyone a prosperous 2018!



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Magna Legal Services invites you to call us for more information about JuryConfirm with no cost or obligation to you. We will analyze your case and let you know all the options available so you can decide which is best for you.

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THANK YOU.

Magna's 4th Annual Chopped for CHOP (Children's Hospital of Philadelphia) fundraiser was a great success thanks to the fantastic competitors and sponsors. Without your support, this event would not be possible. We hope to see you next year!

To learn more about Magna Legal Services and speaking opportunities, contact Peter Hecht at 215.207.9460 or phecht@MagnaLS.com



Austin Powers, Thomas Mannion, Andrew Clubok, Daniel Santaniello, Susan Metcalfe, Richard Fabian, Peggy Ableman



Richard Fabian and Anthony Valerio

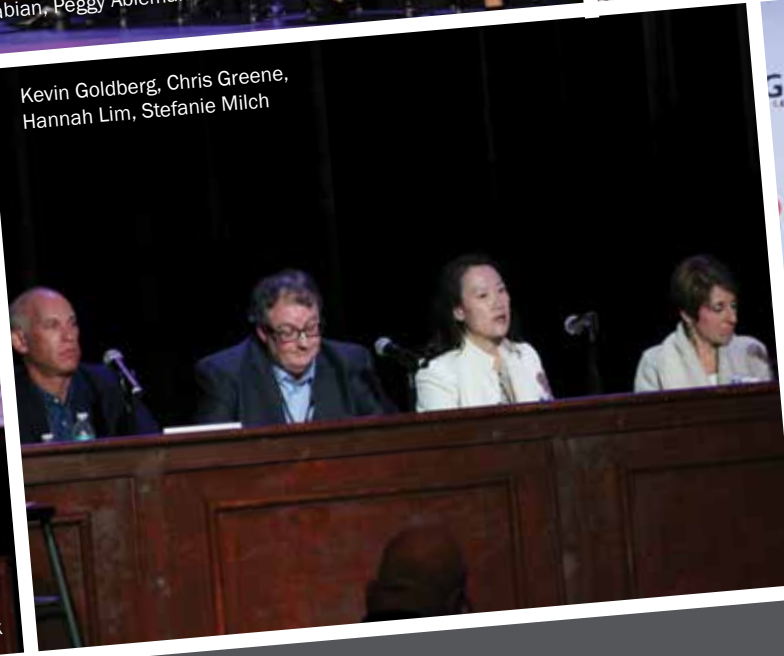


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How Jury Shadowing Can Solidify Your Victory

Empaneling a shadow jury is an effective method of providing your legal team with real-time feedback on the reactions of the actual jury. A shadow jury is a group of people whose personal characteristics match those of the real jurors on a case as closely as possible. This matching goes beyond mere objective demographics. Through a questioning process similar to voir dire, organizers select shadow jurors for their life experiences, attitudes and opinions that reflect those of specific jury members. The shadow jury attends every day of the trial, hearing the same arguments and seeing the same evidence as the real jury. At the end of each day, the jury consultant debriefs the shadow jurors to find out their reactions to that day's trial proceedings, and they deliver that information to your team. Based on these ongoing responses, your team may adjust the emphasis, method or framing of your case. The following four points show the key benefits that a shadow jury can offer you:

Even with the best planning, it's not always possible to predict how jurors will react to the unfolding of a court

1. Pinpoint Strengths and Weaknesses in Your Case

case. The opposition presents witnesses that antagonize the jurors against your client, and you may find yourself scrutinizing the jury's body language to glean what they're thinking. Shadow juries are able to explicitly convey their responses to you, via the jury consultant, so you aren't left guessing about the effects of the day's proceedings. They help your team pinpoint areas that need more explanation or focus your presentation to make it more persuasive. Jury shadowing gives you a new interactive agility, tracking where your jurors' sympathies lie on a daily basis. The American Bar Association's *Litigation News* features an example of using a shadow jury, and points out, "Although the trial team did not know exactly what the real jury was thinking, they were able to make meaningful inferences from the shadow jurors' reactions to the trial."

Using a shadow jury helps you recognize which jurors remain

undecided, as well as which ones have settled on a strong opinion early in the trial and are inclined to ignore further

2. Identify Strong Juror Opinions

evidence. A good way to ensure that shadow jurors are not just telling you what they think you want to hear is to keep the shadow jury "blind." (In other words, they don't know which side hired them.) This practice enables your jury consultant to receive unvarnished opinions from the shadow jurors, and to recommend specific trial strategies to you based on each day's feedback. For example, if you are working to defend a client and your shadow jury finds the plaintiff's witnesses highly convincing, that may give weight to your recommendation that your client settle the case.

Learn the secret to creating bulletproof trial graphics today!

You are saturated with the facts of your case, and you may be so focused on presenting those facts in a certain light that you lose sight of how your arguments are perceived by the jury. Sharing a body of information in a coherent, persuasive manner can be surprisingly difficult, and has many hazards: You may inadvertently

3. Keep an Objective Perspective on the Case Status

skip important explanations, because you assume your listeners already understand the underlying concept. Or, you might engage in a lengthy recital of details which seem relevant to you, but which are so dense that the jury loses the thread of your argument. A shadow jury will be able to give you feedback on what they understand, helping you fine-tune your delivery of information.

The jury consultant adds another layer of perspective, as he or she distills and condenses the shadow jury's responses. With this expert assistance, you are provided with an actionable set of recommendations regarding the shaping of your argument, and your time is used effectively. The use of this type of intermediary also allows the shadow jurors to express their unvarnished opinions of each attorney's presentations,

and this provides you with valuable feedback. In some cases, jury consultants even bring shadow juries together to "deliberate" before your closing arguments, so that you can have a preview of actual jury deliberations.

Every juror (and every shadow juror) comes to the trial with their own emotional baggage. This creates a set of filters that influences how these individuals hear and understand the arguments you give. When you have daily feedback from your shadow jury, it's easy to recognize when you've succeeded in eliciting emotions that will cause the actual jury to be sympathetic to your case. Other essential emotional cues concern the jury's reaction to the personality of your

4. Recognize the Emotional Cues that Resonate

witnesses and experts. For example, you may find that jurors have a negative response to an expert witness whom you've hired, and you may decide to minimize that witness's time on the stand. Visual cues and graphic images also pack a strong emotional punch, and your shadow jury's response may cause

you to fine tune your use of these exhibits in upcoming sessions.

Shadow juries provide the closest insight you can get into the crucial "black box" of the actual jury. Using this valuable research tool can help you to shape your argument, and the feedback from a shadow jury may also be invaluable in persuading your client that a particular course of action will be in their best interest.

Learn more about our jury consulting services and contact Magna today at [886.624.6221](tel:886.624.6221) for a free quote. ■



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Preparing for an International Deposition



International depositions for many lawyers (and paralegals) are not an everyday occurrence, and the issues that may arise can either be logistical and/or procedural in nature.

Everybody loves a good checklist, right? Whether you do or you don't appreciate the simplicity of a good old list, we at **Magna** strive to make your life easier. And to that end, Magna has compiled a simple checklist and best practices for scheduling your international depositions.

Procedural Checklist:

Know the rules of your state! Verify your rules of civil procedure when it comes to scheduling a deposition in a foreign country.

- Who can take a deposition in the country where the deponent resides? Confirm the local rules of the foreign jurisdiction. **(With our extensive international experience Magna can help!)**

Logistical Checklist:

- Travel Requirements!
 - Visa required? If so, what's the process of obtaining one?
 - Passport valid?
 - Medical Considerations?
 - Vaccinations?
 - Check travel advisories
- Confirm witness is willing and able to testify
- Be aware of cultural considerations such as protocol and etiquette

- Plan to stay connected
 - Pack adapters
 - Contact your cell phone provider about plans and coverage (don't forget about text messaging capabilities)
- Book flight, reserve hotel and arrange for a car service

Scheduling Checklist:

- Lock in the date and time... allow yourself enough time to get all the necessary procedural aspects completed
- Does my court reporting services cover international depositions? **MAGNA DOES!**
- Notice of Deposition, sent? (Know the rules as to who has to receive the notice - witness, parties...?)
- Administration of Oath-parties should come to an agreement beforehand
- Do I need a videographer?
- Do I need an Interpreter?
- Document Translation?
 - Dialect?
 - Specialty familiarity? (i.e. medical, scientific, etc.)

Preparing for an International Deposition



- Location, Location, Location!**
 - Will the room fit the number of attendees?
 - Conference room? U.S. Embassy or Consulate?
 - Facilities necessary- food, printing, video, shredding
- Video-conferencing?**
 - Does foreign conference facility have capability to handle?
 - Where will the U.S. location be held?
 - Location of the reporter/ videographer and/or interpreter?

There are a few other items that are often overlooked but will make your deposition run smoothly. First, provide the court reporter all materials necessary to prepare for your international deposition. Complaint/Answer, Court Orders and/or technical documents and distribution lists. Also, if a Protective Order or Confidentiality Orders are in place, alert Magna beforehand. Finally, double (or even triple check) do you have any other special service needs such as real-time connections, rough drafts, etc.?

Final Steps:

With your checklist complete, feel confident in your court-reporting agency. Magna has been handling international depositions across the globe for over 10 years! While this checklist is an easy-to-follow guide, other considerations may arise. In those instances where you may need additional assistance, do not hesitate to contact **Magna's Scheduling Team** who are always ready, willing and able to assist!

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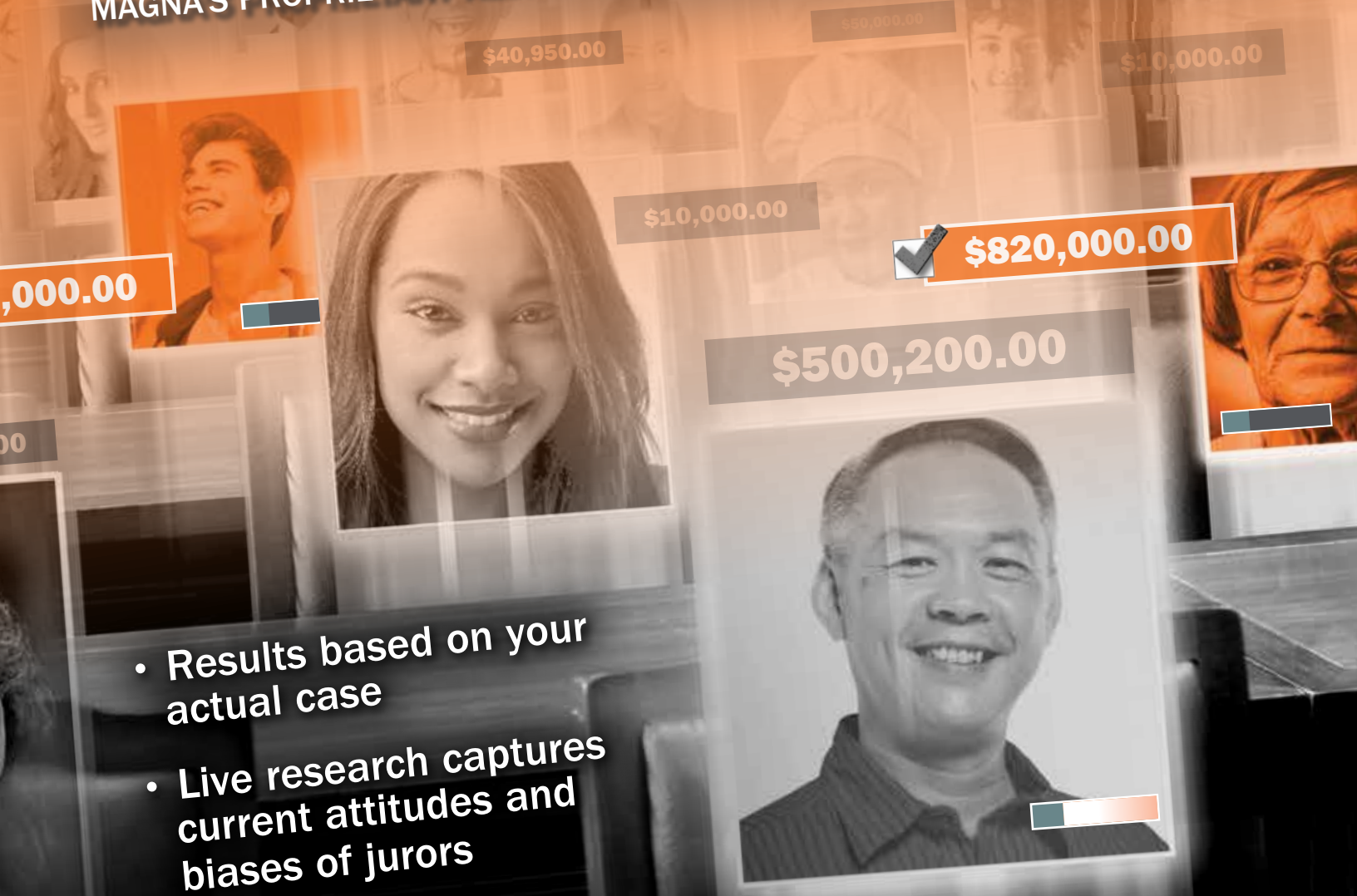
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Monday, September 25, 2017
 Penn State
 Penn State and Executive VP Sales
 Magna Legal Services
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Dear Mr. Blaric:

Thank you for agreeing to assist in support of Children's Hospital of Philadelphia (CHOP) and providing us with your valuable time and expertise. We are excited to have you on board and look forward to working with you on this project.

As part of our ongoing commitment to providing the highest quality of care to our patients, we are currently reviewing our case valuation process. We are looking for individuals who can provide us with their insights and experiences as jurors in various cases. We are particularly interested in individuals who have served as jurors in cases involving medical malpractice, personal injury, and other types of cases.

We would like to invite you to participate in our research. This research is confidential and your participation is completely voluntary. We will provide you with a detailed description of the research and the compensation you will receive for your participation. We will also provide you with a detailed description of the research and the compensation you will receive for your participation.

Please let us know if you have any questions or if you are interested in participating. We will be happy to answer any questions you may have. Thank you for your time and for supporting the mission of Children's Hospital of Philadelphia.

Sincerely,
 Matthew Richter
 Executive Vice President, Penn State Publishing and Community Engagement



Albert D'Aquino, Robert Kopka, Madeline Baio, Christopher Greene

Cupcakes & LITIGATION GRAPHICS

If the pen is mightier than the sword, is the litigation graphic mightier than the pen? “No, graphics and courtroom arguments should work hand in hand,” says Magna graphics consultant and – believe it or not - Food Network “Cupcake Wars” winner Anthony Valerio.

And although Valerio has yet to use a cupcake in the courtroom, he can draw some similarities between a winning courtroom graphic and a show-stopping cupcake.

Valerio grew up in Philadelphia and has a Bachelor of Arts degree cum laude in Communications, Film/Media Arts from Temple University. After graduation 12 years ago, he set out for Los Angeles interested in producing or directing films. He points to Alfred Hitchcock as an inspiration – namely his suspense and creativity.

But when Valerio landed a job in litigation graphics instead, he found a new career off-camera and a side gig on camera dishing up television-worthy cupcakes.



So, the graphic isn't mightier than the courtroom argument?

Graphics are helpful in winning a case, but it's how the attorneys use them in support of their argument. It's not just the graphics; it's never just a drawing. That is one of the misconceptions. They are visual aids supported using oral communications. So, you use them together.

What is one of the first graphics you did that stands out for you?

For a class-action lawsuit. The first of its kind to go to trial. I was on the plaintiffs' side and we argued that a hospital was cutting the pay of its nurses in a deceitful way and they were having nurses sign contracts allowing the pay cuts to go on, so the hospital argued that what they were doing was OK. The plaintiffs argued that the contract was illegal.

The graphics went through the employment agreements and pointed out the allegedly illegal aspects. I also had lots

of charts and graphs with the nurses' pay stubs and codes, which we argued were intentionally confusing. We had to visualize the information to make it easily understood; it was not clear from just looking at it.

I worked with the attorneys on the case for three months. We did mock trials, focus groups, etc. In the end, the case was in front of a judge, who said he found the graphics poignant and helpful in helping him render a landmark, \$65 million verdict.

How do you form a good graphic?

Meet with the attorney. Learn the case. Who are the players, what are the facts and issues? We try to break down the complex parts and distill them into pieces whether the audience is a judge, jury or mediator. We go through the basic elements of storytelling. All the important things someone needs to know. Lawyers sometimes forget that.

If they have lived with a case for five years, they think everyone knows it. In light of the approach we take as graphic consultants, we often end up helping craft an opening statement.

The cases you have worked on comprise different genres: Plaintiff and defendant; criminal and civil; pharmaceutical and labor; entertainment and intellectual property. But do all good courtroom graphics have some of the same things in common?

All cases are different. But a lot of the fundamentals are the same. I often recommend timelines to attorneys: How and when events happened and put them in a particular order - usually by date.

Do different types of cases have different types of graphics? In other words, is a medical malpractice graphic different from a criminal case graphic?

On a medical malpractice, you maybe list the doctors, their positions and what they have done. A players chart. Or maybe you have timeline of a heart attack, a misdiagnosis, and a death. I worked on the late John Ritter's wrongful death suit and we did a timeline on how doctors allegedly misdiagnosed him.

In a medical malpractice case, if you're the defense, you

may utilize a type of chart that illustrates the lack of or gaps in medical treatments a plaintiff had for a major injury they're claiming. Another example would be using something like a surveillance video that secretly monitors a plaintiff and can be used to impeach their injury claims, effectively destroying their credibility.

On a criminal case, you might utilize a lot of photos; or in the case of a murder, a map. I worked for the prosecution in the Phil Spector murder trial and did transcriptions of the 911 calls to tell the story of how we argued that Spector was essentially admitting he killed someone. The 911 call was otherwise hard to understand but the graphic made it simple and effective.

On another criminal case, a wiretapping, I worked for the defense. We wanted to show how audio recording equipment - like a computer with audio recording software - works, how the software can be manipulated and changed after the fact which makes recordings unreliable. We did that through a series of evidence photos and screen shots and diagrams to show that anyone could basically easily photoshop a .wav file to make it sound like whatever they wanted it to.

Do you sketch or paint your graphics? Or is a lot of it done on the computer?

I'm bad at drawing. I do the majority of work on a computer.

Would you ever use the same graphic twice?

I don't recall ever doing that. But in theory you could. Or use parts of one, for sure.

You ended up baking your way into the entertainment business. It started when you bought yourself a three-tier topsy turvy cake for your birthday about 10 years ago and thought you could learn to do it yourself. You did that, then got onto "Cupcake Wars." Tell me about your winning Comic-Con cupcake flavors.

First round, they give you surprise ingredients. Ours was jalapenos and cheddar cheese. So, I developed a jalapeno carrot cake with cheddar cheese frosting.

Then we had themes like the villain. Think the Joker. For that I made a margarita cake with key lime filling and tequila lime frosting in green and purple with rock candy.

The vixen was red hot red velvet cake with cayenne pepper and Cinnamon Schnapps frosting. Picture eating a Red Hots, although your mouth would not be on fire. (I actually don't like spicy food.)

The hero was the Dark Knight: Chocolate brownie cupcake with toffee frosting and bits of homemade toffee.

"Cupcake Wars" also had a Saluting the USO show you were on. Tell me about some of those flavors.

The idea was all-American flavors and they gave us flavors to pick from first round. I picked sugar beet, which is like molasses, and added ginger.

Another one was peanut butter chocolate chip cake with peanut butter caramel frosting and Cracker Jack on top.

Have you ever used a cupcake as a courtroom graphic?

No, but I did have a case where we talked about the whole being greater than the sum of the parts and we used the example of items such as flour, eggs, milk, etc. being put together to form a cake.

Have you ever used a cupcake as a courtroom graphic?

They have me doing them.

Both also need to be visually appealing but if they are just pretty, they are not going to sell. In the case of cupcakes, you also need a good recipe. In the case of graphics, you need good information.

For example, my cupcakes are visually stunning. But they taste good too. Graphics can be visually appealing, but the information has to convey your point to the audience.

In the end, if the cupcake is visually appealing but tastes crappy, it's useless. If you have a beautiful graphic but the information is cluttered or doesn't make your point, it's useless.



Robert Ackerman, Guy Fieri, Larry Brown, Howell Rosenberg



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