



## CASE STUDY

# DecisionQuest Jury Research Assists in Groundbreaking Verdict: Sloane v. Commonwealth Pain and Spine

In September of 2017, Brent Sloane, a paraplegic with chronic pain, died by suicide. At the time of his death, Mr. Sloane was dealing with opioid withdrawal due to his pain management doctors cutting his pain medication prescription by 55%. His family turned to Hans Poppe, a renowned Kentucky attorney, to sue Commonwealth Pain and Spine for medical malpractice. The Poppe Law Firm turned to DecisionQuest to assist in gathering mock juror insights in the case.

### TYPE OF LITIGATION

Medical Malpractice

### CLIENT COUNSEL

Hans Poppe, Kirk Laughlin, Taylor Richard, Attorneys at the Poppe Law Firm<sup>®</sup>

### OVERVIEW

The Sloane family selected Hans Poppe in large part due to his ability to break records in Kentucky medical malpractice cases, including the largest punitive damage verdict against a hospital in Kentucky (\$20,000,000).

Since the case involved the emotionally charged issue of suicide, this could lead to jurors being incredibly biased against the plaintiff's case. Given the unique and emotionally charged aspects of the case, conducting jury research was going to be critical. Dr. Stuart Miles of the DecisionQuest team was tasked with strategizing how they could lower Mr. Sloane's comparative fault at trial.

Fortunately for the trial team, who were already facing additional setbacks due to the COVID-19 pandemic, DecisionQuest (A U.S. Legal Support company) was equipped to conduct an online jury research project for Mr. Poppe at the height of the COVID-19 pandemic. This research garnered important strategic insights that were used by the trial team. Using the information uncovered from the jury research, Dr. Miles was able to assist the trial team with openings and closings as well as with the cross examinations of witnesses.

### CHALLENGES

- Controversial trial subject matter meant juror sentiment could heavily influence the trial outcome.
- As the trial date approached, the COVID-19 outbreak began closing courts and made in-person jury research impossible.
- There had never been a successful case in the country where a jury found a pain clinic or pain management physician responsible for the suicide death of a patient.
- In Kentucky, a healthcare provider wins a medical malpractice case around 85% of the time.

### DECISIONQUEST SERVICES USED

- JuryLive™ online jury research
- Jury selection assistance
- Witness preparation
- Trial attendance and monitoring

### RESULTS

- The DecisionQuest jury research team helped in formulating the trial strategy that guided all aspects of the case (jury selection, opening statements, closing arguments, etc).
- DecisionQuest was able to conduct virtual jury research in the middle of a pandemic which helped the trial team get mock juror input on the key issues in the case.
- DecisionQuest assistance during jury selection helped identify jurors who were biased against the plaintiff's case and several of those jurors were stricken by the court for cause.

This case went to trial in August of 2021 and after three and a half hours of deliberation, the jury came back with a unanimous verdict against Commonwealth Pain and Spine (as well as the two doctors who were individually sued in the litigation). Given the fact no jury in the country had held a pain clinic or pain management provider liable for the suicide death of a patient, this verdict was already groundbreaking.

What made the verdict even more remarkable is that the jury also put only 2% of the fault on Mr. Sloane for his death, and DecisionQuest services and consulting assisted in making this possible.

*"It's not what you know that hurts you at trial, it's what you think you know that simply isn't true. Dr. Stuart Miles and the DecisionQuest team helped our trial team find our blind spots."*

**HANS POPPE**, Founder and Team Leader of the Poppe Law Firm<sup>®</sup>