



CASE STUDY

DecisionQuest Mock Trial Helps Defense Team Garner a Winning Verdict in a Motor Vehicle Wrongful Death Suit

An online mock trial facilitated by DecisionQuest helped a defense team identify their most persuasive arguments for trial in a Florida motor vehicle wrongful death case. The research project also assisted with developing a strategy to defuse the plaintiff's arguments and in assessing the defense's exposure if the case were to go to trial.

TYPE OF LITIGATION

Motor Vehicle Wrongful Death

CLIENT COUNSEL

John Miller of Boy Agnew Potanovic Miller, PLLC

OVERVIEW

In Lee County, Florida, a man on a bicycle was tragically struck by a motor vehicle. Before his death, the victim suffered for many months in the hospital with multiple surgeries, amputations, and hospital-related complications. The counsel for the defendant knew the case had the potential for substantial damages if they lost.

John Miller, counsel for the defense, knew that because of the potential for high damages, he and his firm were defending a same-win case. Mr. Miller turned to Dr. Stuart Miles of DecisionQuest (A U.S. Legal Support Company) to conduct a single-day virtual mock trial to help answer the following questions:

- What are the strongest liability arguments for the defense?
- Which of the plaintiff's arguments pose the biggest threat to the defense, and how can we defend against them?
- What are our blind spots in the case?
- How effective is the plaintiff's accident reconstruction animation?
- What are the jurors' reactions to the damages being requested by the plaintiff, and should the defense suggest an alternative damage anchor?

CHALLENGES

- The jury would likely be sympathetic to the plaintiff (the victim's widow) for her loss.
- The plaintiff's attorneys were putting forward multiple theories of liability, and the defense wanted to determine which, if any, of these theories might gain traction with the jury.
- The potential for jurors to be biased against automobile drivers in a van vs. bicycle accident case.
- The driver of the van (defendant) was one of the only witnesses to the collision with the cyclist. For the defendant, being an effective witness at trial was going to be critical to winning the case.

DECISIONQUEST SERVICES USED:

- Mock Trial [Virtual]
- Witness Preparation
- Voir Dire Question Formation

RESULTS

- Dr. Stuart Miles and the DecisionQuest team were able to stage a virtual mock trial on a tight timeline and made themselves available to the defense team day and night.
- The DecisionQuest mock trial gave the defense counsel valuable mock jury evaluations of the defense arguments so they could discern which arguments would be most effective at trial.
- The mock trial also helped the trial team determine upon which of the plaintiff's arguments and theories they should focus their efforts on defending against at trial.
- At the actual trial, the jury deliberated for two hours and came back with a unanimous defense verdict.

"Dr. Stuart Miles and the DecisionQuest team made it very easy to prepare for the mock trial; it was seamless, and they worked very quickly. The DecisionQuest team grasped the issues in the case almost immediately and understood what we needed."

JOHN MILLER of Boy Agnew Potanovic and Miller PLLC