



Litigation & Crisis Communications Research

R. L. Repass & Partners, Inc. (RL Repass) has worked with client organizations for more than 20 years to understand public opinion regarding complex legal and corporate reputation issues. RL Repass provides counsel to clients who are confronted with their toughest challenge – to their reputations and their bottom line. We help legal staffs and corporate executives navigate with leadership, good judgment, clear communications, and discretion based on sound qualitative and quantitative research. It is important for our clients to understand not only where public opinion stands, but also why people hold certain views, and what and who will cause those views to change.

Issues Research

Our issues research experience includes corporate image assessments and crisis management research for regional companies, large multi-divisional corporations, law firms and industry associations. RL Repass uses qualitative research for message development and evaluation, and quantitative research for baseline and tracking analysis. Our experience includes research with consumers and hard to reach professionals including business executives, medical professionals and thought/opinion leaders.

Our issues research capabilities include:






- Qualitative Research - Focus Groups & In-Depth Interviews
- Message Testing - Traditional & Dial Methodologies
- Baseline & Tracking Research
- Perceptual Mapping

Change of Venue Research

For outside legal counsel, it is often important to quantify public opinion regarding a change of venue motion. Media scrutiny about a case and other information in the public domain may bias a jury pool. Through quantitative opinion research, RL Repass can determine the level of awareness about a case and related issues and provide evidence of potential jury pool bias. A random sample telephone survey is conducted among a representative portion of jury-eligible residents in the judicial district. The study provides results that may substantiate a need for a change of venue due to bias or



significant awareness regarding the issues of the case. A change of venue survey also provides direction for selecting jurors in the event the case goes to trial in the current venue. The results of a random sample survey in a specific geographic area are representative of the public within a maximum sampling variation and confidence interval for a given number of completed interviews. Topic areas for the questionnaire may include:

-  Measurement of awareness and concern regarding **general** issues relevant to the case
-  Assessment of awareness, attitudes and perceptions toward the **specific** elements and individuals involved in the case
-  Measurement of the depth-of-bias regarding key issues and individuals
-  Measurement of favorable/unfavorable attitudes of the jury pool toward the client's position
-  Evaluation of key attitudinal and demographic variables as they relate to specific issues surrounding the case (and to identify the most favorable and most unfavorable juror profile)

A specific research instrument for each case is developed and is structured to uncover attitudes and opinions regarding the key elements and individuals involved in the case. Through survey research, we can identify the attitudes and opinions that will provide evidence of awareness and/or bias that could substantiate a request for a change of venue.

Jury Selection Research

RL Repass will also provide a quantitative survey of potential jurors in the jurisdiction where the trial will be held. By relating several demographic and psychographic variables to attitudinal questions concerning the key issues in the case, a profile of those persons who will be most favorable/unfavorable toward the client's position can be developed. Telephone interviews are conducted with randomly selected potential jurors. The sample is drawn to replicate the jury eligible population of the area. The questionnaire design phase of the research may go through several draft phases before the actual interviewing process begins. Upon approval of the questionnaire, RL Repass will pre-test the form among a small random sample of respondents in order to uncover any inadequacies in question wording.

Professionally trained interviewers conduct the interviews from our central telephone facility, utilizing a Computer Assisted Telephone Interviewing (CATI) system. Each interviewer is carefully monitored to ensure that our quality standards are met during the data gathering process. Respondents are identified through screening questions to reach those persons who are registered voters or licensed drivers (a random selection process is used).

Data processing consists of frequency tabulation for each question appearing in the survey, as well as appropriate cross-tabulations by key attitudinal, demographic, and










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R.L. Repass & Partners, Inc.
10101 Alliance Road, Suite 190
Cincinnati, OH USA 45242-4747
513.772.1600

geographic variables. Significance testing and correlation analysis is utilized where necessary to analyze the results.

Mock Trial Focus Groups





In order to obtain an in-depth view of public opinion regarding a legal issue or case, RL Repass also conducts mock focus groups. A mock trial focus group allows the attorney to refine legal strategies and presentations. Mock jurors are chosen to represent the potential jury pool by geographic, demographic, and attitudinal criteria.

The primary focus of the mock jury focus groups is to evaluate reaction to the primary elements of the case in order to determine the best strategies prior to settlement discussion and/or trial. The presentations and discussions help further understanding of behavioral reactions, test the important concepts in the case, and refine legal strategies based on the reaction of mock jurors. Legal counsel then has the opportunity to present the case and observe mock jurors deliberate in order to determine:

-  Strength and clarity of opening and closing arguments
-  Clarity and relevance of exhibits of both sides
-  Credibility of witnesses of both sides
-  Persuasiveness of counsel of both sides
-  Key elements of group deliberations that eventually lead to a consensus opinion
-  Individual and group logic that determines the amount of monetary awards (if applicable)
-  Characteristics of favorable/unfavorable jurors

A group moderator leads the post deliberation discussion to probe reactions to key concepts, ideas, and points of the presentations and subsequent deliberations. The moderator will generate discussion to identify underlying reasons why mock jurors react the way they do and draw out their beliefs and logic regarding the relevant issues and the case presentation.

A general outline for a mock jury focus group may be as follows:

-  **Case Introduction:** presentation of the key elements of the case presented as a basis of information for the mock jurors.
-  **Case Presentations:** videotape or live presentations made by the plaintiff's counsel (or stand-in) and defendant's counsel (or stand-in) that provides mock jurors with legal arguments for both sides in the dispute. Key witnesses or their representatives may also present their testimony.
-  **Mock Juror Deliberation:** after jury instructions, the mock jurors deliberate and deliver a verdict that includes any applicable monetary award.
-  **Verdict Criteria Discussion:** an in-depth discussion of the rationale and key points that helped the mock jurors in their decision-making process. The



discussion is lead by the moderator who probes for in-depth attitudes, reactions, and underlying reasons for juror opinion. A review of the elements of the trial lawyer's presentations including appearance, style, grammar, and other characteristics is conducted. In addition, any graphics, films, photographs, or videos prepared for use during the trial will be critiqued during this point in the discussion.

Upon completion of the sessions, RL Repass will prepare a report that summarizes the key findings of the discussions and includes our interpretations and recommendations.

Voir Dire Consultation

RL Repass will assist legal counsel with the development of a questionnaire to be used in the examination of potential jurors. The questionnaire may be based on results of the jury selection survey, since the survey data will provide a profile of the preferred juror and key methods of identifying these jurors. A member of our staff will observe the interviews of potential jurors and provide on-going consultation during the juror selection process.

