

## Settlement Trials: Fast, Fair & Transparent

***“Some cases cannot be settled out-of-court fairly... they simply must be tried.”***

Our Settlement Trials allow you to resolve such disputes properly — without the delays of a public trial. We recruit a cross-section of average citizens from your trial venue to serve as jurors. You vet each juror thoroughly. Both sides make their strongest arguments and present their best testimony. Each juror provides notes and answers questions throughout the trial. The juror feedback and verdicts are then used to craft a binding decision under the Uniform Arbitration Act, subject to an undisclosed High/Low Agreement.



### ***Four Hour Online Trial - \$14,000***

1. In addition to our 20 background questions, each side poses three non-conditioning voir dire questions to each juror. You see them answer on video. Each side strikes three jurors.
2. Plaintiff gets 70 minutes for presenting videotaped arguments and testimony online; Defendants get 50 minutes. You watch the jurors answering a dozen feedback questions during breaks in the trial, which runs from 6:00 pm – 9:00 pm. This shows you what they are thinking, and what is troubling them, as the case unfolds.
3. Each side selects three jurors to deliberate face-to-face the next day.
4. Final Award crafted by First Court—or by an Arbitrator agreed upon by the parties (extra costs may apply).



### ***Ten Hour Live Trial – \$39,000***

1. In addition to our 20 background questions, each side poses five non-conditioning voir dire questions to each juror. You see them answer on video. Each side strikes three jurors.
2. Plaintiff gets 180 minutes for arguments and testimony—either live, taped or written summary. Defendant gets 120 minutes. You watch the jurors answering several dozen feedback questions during breaks in the trial, which runs from 8:00 – 6:00 pm. This shows you what they are thinking, and what is troubling them, as the case unfolds.
3. All 18 jurors deliberate face-to-face in three small groups of six jurors.
4. Final Award crafted by First Court—or by an Arbitrator agreed upon by the parties (extra costs may apply).

## Settlement Trials: **FAQs**

**1. What Cases Are Good for Settlement Trials?** Cases with disputed liability or causation are great candidates for a Settlement Trial. Also cases involving fraud, dishonesty, punitive issues or massive disagreement on damages. Note that the process requires enough cooperation to agree on an Arbitrator.

**2. Will First Court Help us Reach a High/Low agreement?** Yes, after both sides have paid their deposit we will spend up to one hour working out an appropriate high/low.

**3. Will We Know What the Other Side Plans to Tell the Jury?** Yes. In Two Hour Trials, you will see the other side's entire presentation before trial. In Ten Hour Trials you will see all exhibits and all video, along with a detailed listing of topics to be covered with each live witness. Our goal: ZERO surprises.

**4. How Will the Arbitrator Decide on the Final Award?** Typically it is an average of all the verdicts, both individual and group. We think it is a good idea to leave your Arbitrator with enough discretion to disregard the verdicts and analysis of jurors who are clearly unfit. Parties can also agree to remove any outliers in the jury pool, either before or after deliberations—provided this is done in a way that is fair to both sides.

**3. What if We Object to the Other Side's Trial Plans? Or Object at Trial?** The arbitrator you select will rule on your objections. Note the losing party pays for time spent ruling on objections.

**4. How is Voir Dire Conducted?** You will be able to watch each juror answering all the Background and Voir Dire questions on video. A week or so before trial we will setup a pretrial conference, where each side strikes up to three jurors.

### **5. What are First Court's Standard Juror Background Questions?**

1. Highest level of education completed?
2. Racial/Ethnic background?
3. What is your age?
4. Marital Status?
5. Gender?
6. Major jobs since high school?
7. What do you think about the dollar size of American jury verdicts?
8. Have you or anyone in your immediate family ever been sued ? (any reason--small claims, landlord/tenant, business, divorce, custody, injury, etc.)
9. Have you or anyone in your immediate family ever sued anyone, for any reason?
10. Have you (or your spouse, if any) ever started a business?
11. I could explain how an engine works in detail (pistons, cylinders, valves, etc.) to a five year old child. True False
12. Please describe your favorite hobbies. How do you like to spend your free time?
13. The people who know me well would say that I am a perfectionist. True False
14. You've been appointed King or Queen of America, and can do whatever you want. What is one thing about our country that you would most want to change?
15. In the last three years, how much of your working time would you say you have been unemployed or underemployed?
16. Do you think there should be laws limiting how much money juries can award ?
17. How much experience have you had with the legal system? Ever hired a lawyer? Ever served on a jury?
18. What is the best job you have ever had? And the worst job?

### 6. What are Typical Feedback Questions the Jurors Will Answer During Breaks in the Trial?

1. What is the most important thing you heard in this lawyer's opening statement?
2. What is a word or phrase you would use to describe [this witness]?
3. Is [this witness] believable? Why or why not?
4. How would you rate the impact this accident has had on [Plaintiff's] life?
5. What is one thing you would like to ask [this witness]? Or say to her?
6. If there is one thing in [PL/DF] argument that doesn't make sense to you, what would it be?
7. What else do the lawyers need to tell you before you can fairly decide this case?
8. Was either party negligent? Why or why not?
9. Was either party a substantial cause of [plaintiff's] losses?
10. How would you allocate fault?
11. What amount of money would fairly compensate [plaintiff] for these items? [list damage categories]
12. Would you say you are angry with any of the parties? Why or why not?

### 7. How is a Settlement Trial Superior to a Public Trial?

**SIMPLICITY** Based on our 26 years of experience, we know that the critical issues in almost all cases can be fairly tried in a single day. This dramatically reduces costs and hassles.

**SCHEDULING** Your trial takes place when it is convenient for the parties – not a busy judge.

**TRANSPARENCY** Thanks to all the feedback built into a First Court trial, you receive a detailed understanding of WHY the jurors decided the way they did.

**FAIRNESS** Unfit or oddball jurors can be removed, and the effects of bizarre juror tangents can be minimized.

**FINALITY** You get the conclusiveness of a decision rendered under the Uniform Arbitration Act.

**8. How Much Lead Time is Required for a Settlement Trial?** This depends on our schedule, but typically a Four Hour Settlement Trials requires a lead time of three weeks, and a Ten Hour Settlement Trial requires a notice of four weeks.

**9. Are First Court's Costs Negotiable?** We have prospered in this industry for over 25 years because we treat our clients the way we like to be treated. If money is an issue, just talk to us. We will do what we can to make the money side work well for everyone.