

# Sample Feedback Questions

**Case Facts:** Plaintiff is an Iraq war veteran who suffered PTSD in Iraq. He subsequently worked in the oil fields, where he endured a powerful explosion. Plaintiff is suing the oil company/well owner for the reappearance of his PTSD.

## PRE-TRIAL QUESTIONS

1. Have you or anyone in your immediate family ever been ? (any reason--small claims, landlord/tenant, business, divorce, custody, injury, etc.) Yes No
2. Have you or any of your family members, friends, or acquaintances work at a hospital, or in a medical-related business? Yes No
3. 1. We are interested in folks having experience with head injuries or psychological challenges. Have you or anyone close to you dealt with any sort of head trauma (e.g. concussion, brain injury, loss of consciousness) or psych issues like Post Traumatic Stress Disorder? Yes No If so, please describe
4. Have you or anyone in your immediate family ever sued anyone, for any reason? Yes No
5. I think the use of fossil fuels should be discouraged by having Americans pay a lot more for gasoline and coal-based electricity. Agree, we should pay more for fossil fuels. OR Disagree, we should NOT pay more for fossil fuels
6. Have you (or your spouse, if any) ever started a business? Yes No
7. . What is one word or short phrase that comes to mind when you are asked to describe the average oil company?
8. Have you ever worked in a job where you were responsible for the safety of another? Yes No
9. Describe your favorite hobbies. How do you like to spend your free time?
10. Do you think there should be laws limiting how much money juries can award ?
11. "I save a significant amount of money every month." No, I am not a saver. Yes, I am a saver
12. I could explain how an engine works in detail (pistons, cylinders, valves, etc.) to a five year old child. True False
13. What is a word or phrase you would use to describe the American soldiers who have fought in Iraq and Afghanistan?

14. I think programs like Social Security and Medicare should be: expanded, to help protect more vulnerable people OR cut back, to help protect the programs from going bankrupt

15. Reaction: "The only thing most corporations understand is money." Agree, pretty much the way it is today OR Disagree, this is not a fair reflection of American business.

16. You have just 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?

17. The Plaintiffs in this case are Bill and Mary Delaney, formerly of Midland, Texas , now residing in Albuquerque, NM. Do you know either of them? Yes No

18. The defendant is Ampower Oil Company, an oil and gas producer based in Houston. Do you have any connection to Ampower? Yes No

19. At all times pertinent to this case Bill was employed by Fracturing Services, Ltd, an oil services company which provides fracking services on oil wells. "Fracking" or "fracturing," is a process which uses high pressure fluids and sand to create cracks in oil-containing shale rock. Often times such rock surrounds the boring hole and shaft of an oil well, many thousands of feet below the surface of the earth. The fracturing process allows oil to seep through the rock and into the boring shaft of the well, so it can be pumped to the surface. Have you ever heard the term "Fracking" before your work on this case? Yes No

20. On February 2, 2007 Bill was working on a fracturing job at a well site in Texas owned and operated by defendant Ampower. He alleges that a potential gas leak was discovered during the fracking project, that the leak was timely reported to the Ampower supervisor on site, that the supervisor ignored the information and ordered the fracking to continue, and that as a result a powerful explosion occurred which engulfed Bill Delaney. Have you or anyone close to you ever been in an explosion? Yes No

21. Both sides agree that the explosion was particularly damaging to Bill. He had served as a United States Marine in Iraq and Afghanistan. During his tours of duty he survived several horrifying mortar assaults. He also witnessed numerous roadside bomb attacks. Bill witnessed the death and dismemberment of several close friends during these explosive attacks. Doctors at the Veterans Administration have testified that when Bill was honorably discharged from the Marines he was suffering from a serious and chronic case of Post Traumatic Stress Disorder. Do you personally know anyone with PTSD? Yes No

22. Bill spent time in treatment to become functional, and was able to function well with the help of medications. However, Bill alleges that his PTSD came roaring back to life following the oil field explosion on February 2nd. Both sides agree that the oil field explosion has left Bill unemployable. His lucrative career in the oil field career was over, with a resulting loss of earnings in excess of nearly \$4 million. Does it make sense to you, at this early stage of the case, that Bill is completely unemployable? Yes No

23. The Delaneys also allege that Ampower's decision NOT to shut down the well in the face of a possible leak was motivated by corporate greed, specifically by the desire to hurry the well into profitable production. They say that Ampower recklessly disregarded the safety of all the people working on this site. As a result, the Delaney's also seek punitive damages against Ampower, damages

that would punish the oil company and make it an example to other companies in the same situation. Have you ever learned the details of a legal case which involved a request for punitive damages? Yes  
No

24. For its part Ampower concedes that Bill is no longer employable in the oil field as a result of the February 2nd explosion. However, Ampower alleges that Bill's employer, Fracturing Services, and Bill himself, committed numerous safety violations in the way they set up and conducted this fracking operation. For example, Bill neglected to include certain very common one-way valves, which would have prevented the gas from reaching the atmosphere. and exploding Ampower asserts that these violations were the real cause of the tragic explosion. Ampower specifically denies that it acted with reckless disregard for anyone's rights or safety—its employees were on the same site, and just as endangered as Bill was by any possible explosion. Ampower strenuously objects to any award of punitive damages. Based on what you have heard so far, how likely are you to find that Bill and his employer, Fracturing Services, caused this explosion?

25. Based only on the little bit you have heard so far, which side are you leaning towards in terms of your overall first reaction to the case? Leaning toward Delaney's OR Leaning toward Ampower

### **PLAINTIFF'S PRESENTATION**

26. What is the most important thing you heard in Bill Delaney's presentation?

27. If you were to identify one thing you doubted about the arguments of this attorney, or were asked to set forth one thing that doesn't add up for you... what would it be?

28. Is it significant to your analysis of this case that a number of errors were made in the piping which Bill Was in charge of installing for Fracturing Services? Yes, that is an important factor to me OR No, that is not a big part of my analysis.

29. How would you rate the injuries Bill Delaney sustained in this explosion? (pl) Minor OR Significant OR Major OR Life Shattering

30. Bill Delaney had lots of problems and pressures in his life--in a short period of time he would have been out of the oil field, explosion or no explosion. Agree OR Disagree

31. I strongly suspect Bill is exaggerating his problems in order to get a big verdict in this case. Agree OR Disagree

32. What is the worst injury or condition or problem that Bill suffered because of the explosion? What's the worst part for him?

33. I am leaning toward the view that Ampower should probably pay for the loss of Bill's earning capacity in the oil industry. Agree OR Disagree

34. What is your initial impression? Fracturing is more responsible for this explosion than Ampower OR Ampower is more responsible for this explosion than Fracturing

35. "Ampower needs to be taught a lesson." (pl) Agree OR Disagree

36. What are the key questions you want the lawyers to answer before you can fairly evaluate this case? (pl)

### **DEFENDANT'S PRESENTATION**

37. What is the most important thing you heard in the Ampower's presentation?

38. If you were to identify one thing you doubted about the arguments of this attorney, or were asked to set forth one thing that doesn't add up for you... what would it be? (df)

39. Ampower was in charge of its well site. Ampower decided NOT to shut the well down, even though it knew there was a potential leak. I'd say 100% of the blame falls on Ampower. (df) Agree OR Disagree

40. Bill Delaney and his employer, Fractured Services, are both clearly negligent--if they had one their jobs correctly, no explosion. Agree OR Disagree

41. Nothing Bill Delaney/Fracturing Services said or did changes the fact that Ampower continued the fracking project after being told about a possible leak --that is inexcusable. Agree OR Disagree

42. What do you think of the idea that Bill Delaney would probably have worked in the oil industry until age 65?

43. The defendants own experts say that Bill can no longer work in the oil field--so we pretty much are obligated to award Bill the damages he has requested. Agree OR Disagree

44. What is your reaction to the idea that Bill will lose nearly \$4 million in his future earnings? (df)

45. I think Bill Delaney has been through enough trauma--I really cannot see myself supporting anything but a very substantial award for him. Agree OR Disagree

46. Bill's basic problem is the PTSD... and Ampower did not cause Bill's PTSD. Agree OR Disagree

47. Would you say you are angry with Ampower? Yes No [Please explain]

48. How do you allocate the fault between the following parties? Plaintiff/Fracturing/AmPower

49. THE VALUATION OF BILL DELANEY'S INJURY CLAIM What amount of money, if any, would fairly compensate BILL DELANEY in each of the following categories? Past Economic Losses AND Future Economic Losses AND Past Non-Economic Losses AND Future Non-Economic Losses

50. How much, if any, do you award in punitive damages against AmPower?