



# Witness Preparation

*Deposition or trial. Experienced or not. Every witness needs prep.*

## Where we start.

Anxiety lies at the heart of some of the worst decisions in history. Increased blood pressure, rapid heart rate, and clouded-thinking ensure tense nonverbal behaviors and scattered oral responses. Deposition or trial, unprepared witnesses who stand before experienced litigators are left unarmed in the lion's den.

## What we do.

Testimony is not a conversation, so witnesses must be taught the skill of answering. We utilize our knowledge of psychology and communication to empower deposition and trial witnesses. Fear imperils decision-making. We use science-based tools to mitigate anxiety so witnesses can deliver at their peak-level of performance.

## Why Pre-Deposition Wit Prep?

Pre-Depo Wit Prep is like having air bags. It can't guarantee you'll avoid a crash, but it exponentially reduces the damage you suffer. Much like safety equipment, the relative cost of this vital protection is very small.

Would you demand a car without air bags to save a few bucks? Of course not.



### Digital Biometric Feedback

We accurately and unobtrusively measure heart rate and oxygen saturation during the process.

Often, witnesses themselves can't tell you when their judgment begins to cloud... but we can.

By clearly targeting the stress points, we know where to focus our help for your witness.



### Visual Learning

Decades of psychological research has proven that human beings learn & retain information far better when given BOTH auditory & visual stimuli.

Often, attorneys only tell witnesses what to do... we SHOW them via video capture, sample clips & teaching aids.



### Cognitive Error Mitigation

When stressed, the human brain automatically reverts to quick thinking.

This evolutionary adaptation is great during Flight or Flight, but often leads to terrible decisions during testimony.

We diagnose witnesses' cognitive errors and teach how to curtail them.

## How you benefit.

A well-prepared witness navigates dangerous language, stays aware of decision-makers' perceptions and is not easily manipulated by litigator tricks. Your witness will play the role they were cast and complete your story.

A few hours of professional witness prep is incredibly helpful for EVERY witness (no matter how skilled).

**The benefits of successful testimony for your case are obvious,  
but the savings from avoided catastrophes are incalculable.**



# Cyber Witness Preparation Option

*Distance does not diminish the need for witness preparation.*

## Can this process work online?

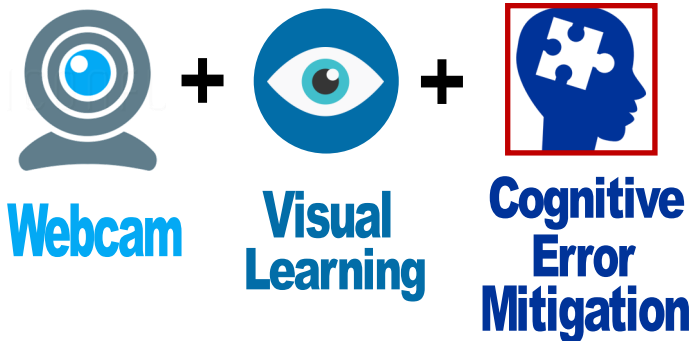
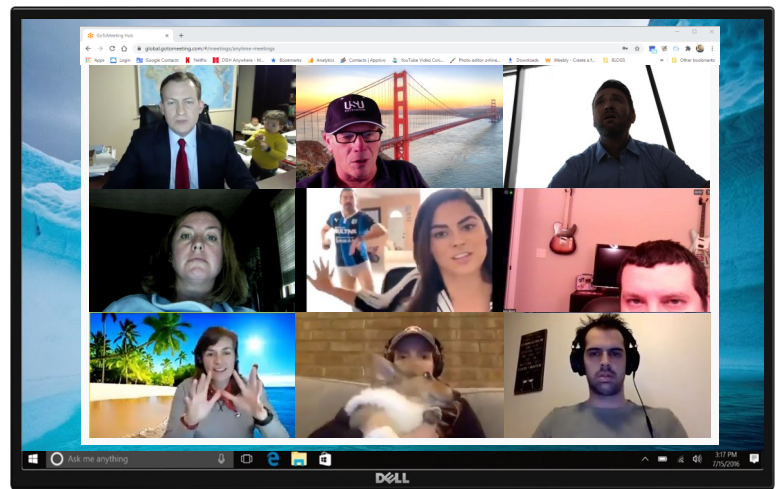
**YES!** We have invested in the technology that makes the process effective through stellar online collaboration. We utilize a paid third-party conferencing application which delivers high-bandwidth streaming via an HD PTZ (pan/tilt/zoom) camera. Moreover, there are advantages to prepping a witness for a “Zoom depo” using the same medium they will be testifying on.

### ONLINE VIDEO PREP for ONLINE VIDEO DEP

COVID-19 increased the use of ONLINE DEPOSITIONS. However, the cost and time benefits are likely to cement this as a frequent new reality.

Online testimony requires a unique type of preparation. From question lag to technical glitches to on-camera staging and behavior, “Zoom depositions” can seriously increase stress and decrease performance. Worse, attorneys are ALSO hamstrung by the process.

Witness prep is not an option, it’s a necessity.



### VIDEO CONFERENCE PREP for LIVE TESTIMONY

The realities of in-person scheduling conflicts can make face-to-face witness prep a challenge. COVID-19 has only increased this barrier. In-person testimony still requires prep (as it always has). We can teach our psychological techniques via video conference and help your witness avoid the many pitfalls of live testimony.

### HIGH-BANDWIDTH STREAMING

Free online conferencing services are great, but often encounter lags and data caps. We pay for top quality streaming to ensure a clear and fluid collaborative experience. Plus, you’re only asked to log on through your browser. (No downloads required!)





# Matt McCusker, MA

*Convince LLC and LitPredict Founder*

## Summary

Matt McCusker is an internationally-known Litigation Consultant with extensive plaintiff and defense experience in civil and criminal cases. He is a former President of the American Society of Trial Consultants (ASTC) and has a strong history of success in crafting winning strategies for trial teams, government entities and Fortune 500 corporations.

Matt is also the founder of LitPredict, a revolutionary new method of predicting litigation outcomes via an online testing platform. Cases are quantitatively and qualitatively evaluated independently by 10+ local arbitrators and/or retired judges via a secure online portal. The results encompass amazing strategic advantages.

Matt's Convince LLC skills include: witness preparation, case narrative/strategy, mock trials & focus groups, jury de-selection, and shadow jury monitoring.

## Press

Matt has served as a source for many media outlets, including: *the Wall Street Journal*, *CNN*, *the Los Angeles Times*, *Celebrity Court*, *"This American Life with Ira Glass"*, *the Chicago Tribune*, *the St. Louis Post-Dispatch*, *California Lawyer Magazine*, *the Cleveland Plain Dealer* and *The Jury Expert*. He wrote an ABA top 100 blog called *Deliberations* and has presented at law schools, CLEs, professional organizations and conferences (DRI, NDAA, ABA, etc.).

## Groups

American Society of Trial Consultants (ASTC President 2012-13)

American Bar Association

American Psychology-Law Society

American Psychological Association

