

Building a story that works for your jurors to transform a nuisance value offer into a \$4.6 million verdict is a great feeling. When it is the third of six consecutive cases where the anchors, exhibits, and themes crafted with the tools Eric Oliver shares in *Facts Can't Speak for Themselves* produce verdicts more than double, ten, and twenty times the best offers, in "tough venues", it almost seems unfair.

Understanding what frame to begin your story with, what witness order helps focus the frame, and what verbal/non-verbal anchors bring your story the strongest emphasis can dramatically increase your odds of winning the most difficult cases.

The clearest example of the immediately applicable lessons from Eric's latest book was with what we all feared was an unwinnable case. Like many cases, the facts started out with a straightforward story. Our client was tossed out of the hospital with a serious spinal infection due to a workers' compensation insurer's clear bad faith denial of benefits for his back injury. Although he recovered from the infection with donated medicines, he was hounded by bill collectors and worried about the impact on him and his family of the wrongful denial for the eighteen months before the state agency ordered the insurer to pay. Right before trial we learned that the insurer would be able to call him a liar about what they thought was the only important fact: he hadn't disclosed a prior back injury in his deposition, discovery responses, and sworn testimony before the state agency. With Eric's help, we found that it was "all about the medicine, not the man". Insurers are supposed to decide medical payment decisions based on medical experts, not what the injured worker says good or bad. The jury understood that story, rejecting the "liar liar liar" defense for the smokescreen that it was, punishing the insurer with over half a million in additional damages for "knowingly" denying the claim.

When a boat crewman banged his head on a beam put too low in the work area, the defense though it was all about an "open and obvious" condition. When the jury assessed more than \$2.2 million in actual damages for the persistent migraines from an aggravated cervical disk for the "bang on the head", it became clear that the story was really about an employer again and again deciding not to fix a readily apparent hazard to their workers. Eric's insights pointed to the verbal and non-verbal anchors to bring the story home, and just as important, the anchors to avoid.

When another insurance claims company described their claims investigation as a "model", the story our jurors grasped first, last, and best was the search for an excuse to refuse to pay a legitimate claim. Not only did they also understand the more than two million dollars in real impacts on the injured worker delayed timely treatment, they also felt the need to assess more than \$2.0 million more in additional, non-

compensatory damages. Eric's tools for re-focusing the story from one man wronged one time into a continuing abuse of the system by the defendant made all the difference.

When the helicopter company thought they had gotten rid of all their bad facts by stipulating to liability for a crash that all the passengers survived after several hours in the water offshore, Eric helped pinpoint the facts and underlying story that put the defendant back in the spotlight. The defendant thought it was going to be all about "jackpot justice" and a "mountain out of a molehill" for a plaintiff who was barely started in offshore work before the crash and had even been released for work by his own doctor more than almost two years before trial. The final verdict of \$2.1 million was almost three times the "best ever" pretrial offer, and many times more than any other passenger had settled for their case.

When the offshore supply boat company saw a minor fistfight with a crewman that the boat captain brought on himself, the jury in a small rural county saw the need to assess more than \$1.5 million in actual damages, a county record, for the captain's post-traumatic stress disorder brought on by the beating. Why the story was about the employer ignoring problem crewmen, with lasting consequences, rather than a quick exam before heading back to work offshore after "no big deal" speaks to the powerful images that Eric's book can help trial lawyers plan before they ever walk into the courtroom.