

## **MARK S. SOBUS, JD, PhD**

### **PARTNER**

Mark Sobus earned his doctorate in Social Psychology and his law degree from the Nation's leading Law and Psychology Program at the University of Nebraska. The Nebraska program was designed to study and apply psychological principles and knowledge of human behavior to the legal system. A key value within the Law and Psychology Program was human dignity and an enduring respect for individuals and the way in which they interact with their social environment. These values carry over to Mark's practice as a consultant. Having a healthy and honest respect for people as they strive to resolve often complex disputes is essential to really learning from them and is a central feature for how Mark studies and truly understands how jurors make decisions. Mark firmly believes that any form of jury research is really just a means to an end, rather than an end in itself. True jury consulting and litigation strategy is about respecting jurors and applying what has been learned through the empirical research process to the development of real and practical solutions to the problems his clients face.

While at Nebraska, Mark taught introductory and advanced social psychology courses, and he conducted basic and applied research on topics including social norms, attitudes and motivation. He has worked on hundreds of cases across the country assisting clients in the development of strategy for trial and mediation, witness preparation, and jury selection. Mark has published numerous articles on jury psychology and trial strategy, and he is routinely invited to speak at legal conferences.

Mark has been a distance runner for most of his life, having run numerous marathons, ultra-marathons, and even a 100-miler. While his times have slowed over the years, he would be happy to discuss this topic with anyone who is interested.

### **EDUCATION**

- Ph.D. (Social Psychology); The University of Nebraska–Lincoln
- J.D.; The University of Nebraska–Lincoln, *Order of the Coif*
- M.A. (Social Psychology); The University of Nebraska–Lincoln
- B.S. (Psychology); Mt. St. Mary's University

### **PRIOR EXPERIENCE**

- Partner, R&D Strategic Solutions LLC
- Senior Vice President, DecisionQuest, Inc.

### **CONTACT INFORMATION**

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Houston, TX 77070

## **Mark S. Sobus, JD, PhD (cont.)**

### **SELECTED ARTICLES**

How Social Media can Help and Hurt the Process of Strategic Jury Selection, Dr. Mark S. Sobus and Dr. Suzanne Davis, *For the Defense*, October 2015.

The Missing Link: Connecting Key Evidence to the Jurors, with Dr. Dan Jacks, *Defense Counsel Journal*, January 2008.

Jury Research: Ensuring You Get All It Has To Offer, Mark S. Sobus and Dan Jacks, in Managing Products Liability Risks: A Comprehensive Guide to Winning Legal Strategies for Managing Product Liability Exposure and Litigation. David Canter and J. Wilson McCallister. Aspatore Books, December 2005.

Strategic Jury Selection: Limiting Mistakes in a Difficult Process, with Dr. Suzanne Davis, *For The Defense*, June 2004.

The Appeal of Junk Science, with Dr. Dan Jacks, *For The Defense*, July 2003.

Jurors' Views of a New Class of Plaintiffs, with Dr. Dan Jacks, *For The Defense*, April 2002 (reprinted in the *Texas Paralegal Journal*, Summer 2003).

The Risks of Attacking the Plaintiff, with Dr. Dan Jacks, *For The Defense*, December 2002.

Defending Against Claims of Medical Negligence, with Dr. Dan Jacks, *For The Defense*, June 2001 (reprinted in the *Texas Paralegal Journal*, Spring 2003).

Meeting Jurors Expectations of Insurance Companies, *For The Defense*, January 2001.

Ghost of Pennzoil-Texaco: Hidden Risks of Arguing Alternative Damages, *Defense Counsel Journal*, October 2000.

Differences in Jurors' Perceptions of Self and Others: Why So Many Plaintiffs Get the Benefit of the Doubt, *The Trial Lawyer*, January-February 2000.

Commensurability: Understanding Jury Research and Juror Information Processing, *Defense Counsel Journal*, July 1998.

### **SELECTED PRESENTATIONS**

"Persuading a New Generation of Jurors in a World of Traumatic Events and Short Attention Spans." American College of Trial Lawyers, San Antonio, TX, April 2024.

"Energy on Trial." Houston Energy Law Section, Houston, TX, February 2024.

"Takeaways From Jury Research in Railroad Case." CSX Annual CLE Conference, Jacksonville, FL, October 2023.

"Is COVID-19 having an impact on Juror Decision-making?" 3<sup>rd</sup> Annual Toxic Tort Defense Summit, Virtual Meeting via Zoom, January 27, 2021.

"Of Railroads and Reptiles." CSX Annual CLE Conference, Jacksonville, FL, February 2020.

"The Jury and the Railroad: Reducing Risk in Tough Venues." Biannual National Railroad Conference, Boulder, CO, June 2019.

"Thoughtful Jury Selection: Oil, Gas, and Chemical Companies." 70<sup>th</sup> Annual Oil & Gas Law Conference, Houston, TX, February 27, 2019.

"Juror Decision-Making in Oil and Gas Litigation: A view from the Box." 17<sup>th</sup> Energy Litigation Conference, Houston, TX, November 2018.

"Jury Persuasion: Respect to Connect." Maynard, Cooper & Gale Litigation Meeting, April 20, 2012.

"Trial Issues in Insurance Cases." 16<sup>th</sup> Annual Texas Insurance Law Symposium, Houston, TX, January 2012.

"Shaping Jury Attitudes in Chemical Product Cases." Sixth Annual Chemical and Industrial Products Regional CLE Workshop: Practical Tips on Litigating Mass Tort and Product Liability Chemical Cases – Shape Your Case before Someone Else Does, Wilmington, DE, October 2011.

"What to do . . . When it's all about you." Association of Corporate Counsel, Houston, TX, August 2011.

"Persuading Jurors: Respect in Order to Connect." Davis & Young: Annual Law Seminar, Cleveland, Ohio, April 2009.

"Persuading Jurors: Unmasking the Mystery of Juror Decision-making." The Association of Business Trial Lawyers, San Francisco, March 2009.

"Persuading Jurors: Identifying and Respecting Jurors' Pathways to Verdict." Defense Trial Counsel of West Virginia, May 2008.

"Real Learning, Real Value, and Real Insight from Jury Research." 2008 Primerus Defense Institute Convocation, San Diego, CA, April 2008.

"Using Jury Research and Jury Consultants in the Defense of Bad Faith Claims." The Litigation Summit, Hartford, CT, October 2007.

"Effective Jury Selection: Obey the Commandments." Nebraska Defense Bar Association, September 2007.

"Patent Trials: From Markman to the Jury—What You Need to Know." IADC Annual Meeting, Bermuda, July 2007.

"What Jurors Need to Hear: Effective Deposition and Trial Testimony." Tenet Healthcare's 2007 Quality Summit, Dallas, TX, February 2007.

## **Mark S. Sobus, JD, PhD (cont.)**

- "What Jurors Want." The Arts and Science of Legal Nursing Conference, The American Association of Legal Nurse Consultants, Houston, TX, October 2006.
- "The Environment and the Jury: Meeting Jurors' Expectations in the Courtroom Environment." The Environmental Superconference, San Antonio, TX, August 2006.
- "Defending Healthcare Providers: Challenging Problems in What is a Difficult Process." Emcare National Meeting, February 2006.
- "Which Ones Do You Want on the Jury? And Which Ones Do You Strike?" The Jury Trial 2005, University of Houston Law Foundation, August 2005.
- "Persuading Jurors When Defending Chemical Companies." Equistar Chemical Company's Annual Litigation Meeting, Houston, Texas, August 2005.
- "Effective Story Telling: Finding your Message and Making Sure it Gets Told." The Winning Strategies Seminar, Pittsburgh, PA, May 2005.
- "Effective Story Telling: Finding your Message and Making Sure it Gets Told." Southern Trial Lawyers Association, Birmingham, AL, May 2005.
- "Persuading a Skeptical Audience: Jurors' Processing of Employment Disputes." Nebraska Employment Seminar, Omaha, NE, April 2005.
- "Going Beyond the Bar Charts: Efficient and Meaningful Use of Jury Research." Primerus Defense Group, 2004.
- "Risks of Attacking the Plaintiff at Trial," Seventh Annual Tenet Defense Counsel Meeting, Tempe, Arizona, March 2004.
- "Bias Against Corporations: How to Take Advantage of It and Defend Against It," Advanced Civil Trial Law Conference, South Texas College of Law, Houston, Texas, February 2004.
- "How Jurors React to Energy Lawsuits in the Post-Enron World," Second Annual Energy Litigation Program, ABA Section of Environment, Energy and Resources, Houston, Texas, November 2003.
- "Jurors' Processing of Medical Malpractice Litigation: Understanding Decision-Making," American Law Firm Association, 2003 Health Care Practice Group Seminar, New Orleans, Louisiana, November 2003.
- "Corporations Under Siege: Jurors' Perceptions of Corporate America." Fulbright & Jaworski, Breakfast Seminar, Houston, TX, October 2003.
- "Key Issues in Defending Medical Malpractice Cases." Louisiana Hospital Association, Baton Rouge, LA, September 2003.
- "Persuading Juries." Employment Law Course, South Texas College of Law, Houston, TX July 2003.
- "Advanced Topics in Medical Malpractice Defense." 2003 Tenet Healthcare Corporate Counsel Meeting, Dallas, TX, May 2003.
- "Juries Trials after Enron: How Do We Regain Corporate Credibility?" IADC Corporate Counsel College, Chicago, IL April 2003.
- "Disclosing Medical Errors: When Does a Patient Have a Right to Know?" American Society for Healthcare Risk Management 2002 Annual Conference, Seattle, WA, Sept. 2002.
- "Using Trial Consultants on a Variety of Budgets." Houston Bar Association, September 2002.
- "Jurors' views of Insurance Companies." Property Damage Issues Meeting, State Farm Seminar, Chicago, IL, July 2002.
- "Developing Trial Strategies in Employment Disputes." Labor and Employment Law Course, South Texas College of Law, Houston, TX, July 2002.
- "Evaluating Your Case: Using Focus Groups, Mock Trials, and Jury Consultants." Advance Personal Injury Law Course 2002, Texas State Bar, Dallas and San Antonio, TX July 2002.
- "JCAHO Standards on Disclosure: How Does this affect our Defense?" Fifth Annual Tenet Defense Counsel Meeting, New Orleans, LA, March 2002.
- "Jury Decision-Making." 10<sup>th</sup> Annual Advanced Employment Law Course, Texas Bar Association, Houston, TX, January 2002.
- "Reluctant Dependence: Jurors' Views of Corporate America." The Corporate Counsel Forum, Indiana State Bar Association, Indianapolis, IN, September 2001.
- "Jury Psychology and the art of Jury Selection." IADC Trial Academy, Boulder, CO, July 2001.
- "Developing Trial Strategies in Downsizing Cases." Texas Bar Association Seminar, *Layoffs and Reductions in Force*, Austin, TX, June 2001.
- "Arguing Alternative Damages." Third Annual TrialNet Users Conference, Las Vegas, NV, March 2001.
- "Respecting Decision Makers: Persuading People by First Understanding what They Care About." Academy of Trial Lawyers of Allegheny County, Pittsburgh, PA, November 2001.
- "Jury Selection: Debunking Myths and Creating Strategies that Work." IADC Trial Academy, Boulder, CO, July 2000.
- "How Jurors view Corporate America." IADC Corporate Counsel College, Dallas, TX, November 1999.
- "Judging the Jury." Jackson Lewis 11<sup>th</sup> Annual Corporate Counsel Conference, San Antonio, TX, October 1999.

**Mark S. Sobus, JD, PhD (cont.)**

*"The Challenge of Testifying: Common Mistakes and Some Effective Solutions."* 1999 Association of American Railroad General Claims Conference, Montreal, Quebec, August 1999.

*"Jury Selection."* IADC 1999 Defense Counsel Trial Academy, Boulder, CO, July 1999.

*"Playing the 'Race Card' in Toxic Tort Litigation."* American Bar Association Environmental Justice Conference, Arlington, VA, June 1999.

*"The Use of Jury Consultants in Settlement Negotiations."* The Network of Trial Law Firms, Inc. Litigation Management Conference, Carlsbad, CA, April 1999.

*"Implementing and Interpreting Mock Jury and Focus Group Research: The Difference Between What You Want and What You Get,"* IADC Mid-Year Meeting, Acapulco, Mexico, February 1998.