

## Welcome to the Jungle

### *Assessing Case Value and Going to Trial in Difficult Jurisdictions*

1. Today, more than ever, understanding how people see the world in the jurisdiction where your case is pending is critical to assessing litigation. Venues that used to be good for defendants can be very dangerous today.
2. Evolving demographics, varying views on “corporate distrust,” the volatility in politics, economics, and even weather have caused significant changes that require new perspectives on assessing cases and proceeding in litigation.
3. Events of the past decade such as the pandemic, armies of bots spreading misinformation, the criminal conviction of a former president, and persistent inflation have impacted how we see the world, and have resulted in skepticism, suspicion, and anger among judges and jurors.
4. Litigants should work to “humanize” corporate entities and develop case themes that align with the beliefs and values of the people in the community where the lawsuit is pending.
5. Defendants must address damages with objective information and use anchoring – where possible – to their advantage.

## 5 FOR THE ROAD

Robert Smith  
Moderator  
MAYER LLP  
Houston, TX

[rsmith@mayerllp.com](mailto:rsmith@mayerllp.com)

Paul Malek  
HUIE, FERNAMBUCQ & STEWART  
LLP

Birmingham, AL  
[pmalek@huielaw.com](mailto:pmalek@huielaw.com)