



Kevin R. Bouilly, Ph.D.
Litigation Consultant
303-295-8476
[krebouilly@persuasionstrategies.com](mailto:krbouilly@persuasionstrategies.com)

Dr. Kevin Bouilly has been active in litigation consulting since 2001. His doctorate in legal communication focuses on persuasion, small group influence, and jury decision making. Dr. Bouilly has conducted and analyzed research and advised on a full range of plaintiff and defense cases. Dr. Bouilly has been Associate Editor and advisor to the American Society of Trial Consultants' jury research and courtroom communication publication, *The Jury Expert*. Dr. Bouilly is also currently co-authoring a book for the American Bar Association Section of Intellectual Property, *Patently Persuasive*.

REPRESENTATIVE EXPERIENCE

Dr. Bouilly has consulted on a variety of sports-related cases on behalf of ski resorts, sports product manufacturers, and outdoor recreation organizations. That experience includes designing and implementing multiple stages of jury research, analyzing results, and translating findings into trial strategy. In one particular sports product liability case, informed by jury research, Dr. Bouilly assisted trial counsel from jury selection through closing argument, helping develop persuasive arguments, preparing witnesses and counsel for clear and effective witness testimony, and assisting counsel in delivering powerful cross-examination of opposing witnesses. Following the jury verdict, Dr. Bouilly completed individual juror interviews to learn additional lessons from the actual jury.

Dr. Bouilly has consulted on a variety of intellectual property litigations including patent infringement, trade dress, trademark, and trade secret disputes on behalf of Fortune 500 companies in a variety of industries. One particular case included assisting counsel in developing tailored jury research to inform specific issues in a trademark and trade dress dispute. Dr. Bouilly helped develop case themes, recommend and develop a substantial change in trial strategy, develop jury selection strategy and voir dire, and design jury research to test key strategy questions. Eventually the case was favorably resolved prior to trial.

EDUCATION

Doctor of Philosophy, Communications Studies – University of Kansas, Lawrence, Kansas. 2005. Emphasis on legal communication.

Master of Arts, Forensic Psychology – University of Denver, Denver, Colorado. 2002. Emphasis on jury decision making.

Bachelor of Arts with Honors, Psychology – University of Kansas, Lawrence, Kansas. 2000. Emphasis on Crime and Delinquency Studies.

MEMBERSHIPS AND AFFILIATIONS

American Society of Trial Consultants – 2000 to present

American Bar Association – 2007 to present

Communication and Law Commission of National Communication Association – 2002 to present

American Association of Public Opinion Research – 2002 to present

American Psychological Association – Psychology and Law Division – 2002 to present

SELECTED PUBLICATIONS

Bouly, K.R., Lisko, K.O. (Book in progress - estimated 2013). *Patently Persuasive*. Chicago, IL: American Bar Association Section of Intellectual Property Litigation.

Bouly, K.R., Lisko, K.O. (October, 2012). *How to Look at Patent Case Juries*. Executive Counsel.

Bouly, K.R., Lisko, K.O. (September, 2012). *Should I Request a Jury Trial?* Managing Intellectual Property – The Global Resource @ www.managingip.com.

Bouly, K.R. (April, 2012). *The Head and Heart: Juror Perceptions of Sports Concussion Litigation*. Persuasion Strategies.

Bouly, K. R. (September, 2011). *High-Risk Jury Persuasion in Sports Product Litigation*. Published by DRI.

Bouly, K. R. (January, 2010). Book Review: *Principles and Practice of Trial Consultation*, by Stanley L. Brodsky. The Jury Expert. Published by the American Society of Trial Consultants.

Bouly, K. R. (November, 2009). *Keep Survivors On Your Next Jury Panel*. *The Writ*, Vol. 31 No. 10. Published by the Washoe County Bar Association.

Bouly, K. R. (September, 2009). *Response to Meyer* by Kevin Bouly. Response to G. Meyer's "Will it Hurt Me in Court?" The Jury Expert. Published by the American Society of Trial Consultants.

Bouly, K. R., Broda-Bahm, K., Lisko, K.O., Spiecker, S. C. (September, 2009). *Corporate America in Lean Times: Do Today's Jurors Have Shallow Sympathy for Deep Pockets?* Inside Counsel.

Bouly, K. R. (June, 2009). *See Your Jury Case: The Pitfalls of Lawyer Vision*. Written for the Colorado County Attorneys Association. Vail, Colorado. Persuasion Strategies.

- Bouly, K. R. (November, 2008). *The American Jury: A Book Review*. The Jury Expert. Published by the American Society of Trial Consultants.
- Bouly, K. R., Broda-Bahm, K., Lisko, K.O., Spiecker, S. C. (September, 2008). *Are Judges Becoming More Like Jurors?* Inside Counsel.
- Bouly, K.R. (2007). "*Mea Culpa*" in the Courtroom: Perceptions of Defendant Apology at Trial. International Journal of Speech, Language, and the Law, 14 (2). 301-304.
- Bouly, K. R., Broda-Bahm, K., Lisko, K. O., Spiecker, S. C. (September, 2007). *Arbitration v. Jury Trial: What is the Real Difference?* InsideCounsel.
- Bouly, K.R. (April, 2007). "*Mea Culpa*" in the Courtroom: Apology as a Trial Strategy. Published by the American Society of Trial Consultants, The Jury Expert.
- Bouly, K. R., Broda-Bahm, K. (February, 2007) *Spotting, and Persuading Anti-Corporate Jurors: Their Bias Takes Many Forms Calling for a Nuanced Approach*. The National Law Journal.
- Bouly, K. R., Broda-Bahm, K., Lisko, K.O., Spiecker, S. C. (August, 2006) *Mocking Corporate America*. InsideCounsel.
- Bouly, K. R., Broda-Bahm, K., Lisko, K.O., Spiecker, S. C. (July, 2006) *Anti-Corporate Bias is a Given, but Corporations Should Not Give Up on the Courtroom*. Persuasion Strategies.
- Bouly, K.R., Spiecker, S.C. (2004). *The Current Climate for Today's Nursing Home Defendant*. Written for the Defense Research Institute. Denver, Colorado: Persuasion Strategies.
- Bouly, K.R. (2002). *Legal Attitudes and Jury Behavior When Juveniles are Tried as Adults*. Master's Thesis written for the University of Denver.

SELECTED SPEAKING ENGAGEMENTS

- Bouly, K.R. (November, 2012). *Powerful Communication: When You Most (and Least) Expect It*. Presentation to the University of Colorado Law School, Advanced Legal Writing Course.
- Bouly, K.R., Lisko, K.O. (September, 2012). *Patently Persuasive: Jury Selection and Persuasion*. Presentation given to prominent law firm in Chicago, Illinois.
- Bouly, K.R., Lisko, K.O. (August, 2012). *Patently Persuasive: Jury Selection and Persuasion*. ABA Annual Conference. Chicago, Illinois.
- Bouly, K.R., Lisko, K.O. (May, 2012). *Patently Persuasive: Reaching Today's IP Jurors*. Presentation to the Rocky Mountain Intellectual Property Conference. Colorado.
- Bouly, K.R. (February, 2012). *Several Angry Men and a Few Ticked Off Women*. Nevada Bar Association. Las Vegas, Nevada.
- Bouly, K.R., Broda-Bahm, K. (January, 2012). *When the Government Litigates: Idaho and National Views in Jury, Judge & Arbitration Settings*. ITD, Boise, Idaho.
- Bouly, K.R. (October, 2011). *Five Answers: Modern Litigation Consulting*. University of Denver Graduation Presentation at Holland & Hart, LLP. Denver, Colorado.
- Bouly, K.R., (December, 2009). *Attorneys' Guide to Persuasive Communication*. Delaware State Bar Association. Wilmington, Delaware.
- Bouly, K.R. (November, 2009). *Effective Jury Selection in Fifteen Minutes*. Denver City Attorneys' Office. Denver, Colorado.

- Bouly, K.R. (September, 2009). *Becoming a More Effective Witness*. Litigation Education Retreat presentation. Atlanta, Georgia.
- Bouly, K.R. (2008). *Juror Characteristics, Selecting Jurors and Persuading Jurors*. Presentation to the Idaho State Bar Association - Litigation Section. Boise, Idaho.
- Bouly, K.R. (February, 2008). *Anti-Oil Industry Bias: How Deep Does it Go? How Best to Avoid It?* Presentation at the Institute for Energy Law 59th Annual Oil and Gas Law Conference. Houston, Texas.
- Bouly, K.R., Broda-Bahm, K. (June, 2008). *Juror Characteristics, Selecting & Persuading Jurors*. Presentation to the Idaho State Bar Association.
- Bouly, K.R. (June, 2007). *Executing Effective Voir Dire: Proven Strategies For Success*. Trial Advocacy Seminar for the Kansas Trial Lawyers Association. Overland Park, Kansas.
- Bouly, K.R. (June, 2007). *Saying We're Sorry: Apology as a Persuasive Litigation Alternative*. American Society of Trial Consultants Annual Conference. Long Beach, California.
- Bouly, K.R. (February, 2007). *The Decision Making Arbitrator*. Presentation at the University of Denver Graduate School. Denver, Colorado.