

MARCH 2020

MAGNA FYI



Chopped for CHOP

Interview with the Competitors - Conference Photos
Jury Says - One on One with Louis Caraballo

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Partner & Executive Vice President of Sales

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EDITOR'S note...

PETER HECHT

PARTNER & EXECUTIVE VICE PRESIDENT OF SALES

I'm so fortunate and lucky that every time we go to print another mind-blowing MagnaFYI newsletter, I'm overwhelmed with tons of new Magna news to talk about. Seriously, my partners and I have been grinding away since our last publication. There are all kinds of good stuff going on. To us, work is not just a four-letter word. I'm serious. We love what we do! Ask my wife.

Fortune shined on us in so many ways over the last few months. First, we raised \$28,000 for the Children's Hospital of Philadelphia at our seventh annual Chopped for CHOP mock trial competition. Thank you to our competitors, Ted and Susan. Without your support, it would have not been possible. I've been told it was the CLE program of the year and that I should consider quitting my day job for a game show career! Seriously, why is there every kind of lawyer TV show, but no games show? Stay tuned on that. And at the next Chopped, keep an eye out for Magna Deal or No Deal — I kid you not!

Here's something the partners at Magna feel awfully fortunate to be a part of... Recently, we added some extra bandwidth and special talent to our record retrieval division with the amazing acquisition of RecordTrak. They are an industry leader, loaded with super smart people at every level. My partner, Jon Ackerman, is busy rolling out all of their awesome benefits to our clients. Additionally, we are opening up all of Magna's services to their loyal client base.

Now for the luck... This month is my 13-year work anniversary (Bob Ackerman and Mark Calzaretta's too), which means it's also Magna Legal Services' birthday! Thirteen candles! It feels like just yesterday when we subleased office space from friends, asked employees (Maria Capetola and Ron Hickman, to name a few) to bet on us, had all our newly bought computers stolen

(we cried like babies as we didn't have insurance yet), made a million "Jerry McGuire" client calls and waited for the phone to ring. Want to celebrate with us? That's easy... call me or one of my reps and we will bring the cake, champagne and CLE to your firm. Even better, come share a toast with me at our upcoming "Battle of the Experts" CLE in Miami on May 13th and 14th. Cheers to Lucky 13!

Today, we have over 200 amazing employees, clients that inspire us to continue to be "Greater Than" and enough gas in the tank for another 13 years! Thank you!



<https://www.youtube.com/watch?v=yKyGfMcljQ&feature=youtu.be>


PETER HECHT
PARTNER & EXECUTIVE VICE PRESIDENT OF SALES















Jury Says

Test your Jury knowledge!

Daniel Wolfe, J.D., PhD.
Senior Director of Jury Consulting



1. Which of the following is most accurate when a jury consultant is assisting with witness preparation?

- a. A lawyer on the trial team must be present in the room when a jury consultant is assisting with witness preparation.
- b. It is a good practice to have a lawyer present in the room whenever possible but it is not mandatory.
- c. A lawyer does not need to be present in the room when a jury consultant is assisting with witness preparation.
- d. A lawyer needs to seek permission of a judge to allow a jury consultant to assist with witness preparation.

2. Which of the following is most accurate when a jury consultant is assisting with jury selection?

- a. A jury consultant is never allowed to sit at counsel table during jury selection.
- b. A jury consultant is generally permitted to sit at counsel table during jury selection subject to the discretion of the judge.
- c. A jury consultant is generally permitted to sit at counsel table during jury selection only if opposing counsel agrees.

- d. A jury consultant is permitted to sit at counsel table during jury selection whenever he/she wants to.

3. Which of the following is most accurate when a jury consultant is conducting electronic background surveillance of prospective jurors?

- a. A jury consultant is always permitted to connect with a prospective juror on social media (e.g., Facebook, Twitter, LinkedIn, etc.) in order to gather information.
- b. A jury consultant is permitted to connect with a prospective juror on social media (e.g., Facebook, Twitter, LinkedIn, etc.) in order to gather information only with the permission of the judge.
- c. A jury consultant is permitted to connect with a prospective juror on social media (e.g., Facebook, Twitter, LinkedIn, etc.) in order to gather information only if the jury consultant agrees to not use any information other than for jury selection.
- d. A jury consultant is generally permitted to gather information on a prospective juror using social media (e.g., Facebook, Twitter, LinkedIn, etc.) only if they do not connect with the prospective juror and in some

jurisdictions leaves no electronic “footprint” of their searches.

4. Which of the following is most accurate when a jury consultant is conducting online surveys and focus groups?

- a. A jury consultant can conduct online surveys and focus groups only after obtaining permission from the judge in the case.
- b. A jury consultant can conduct online surveys and focus groups only after obtaining permission from opposing counsel in the case.
- c. A jury consultant can conduct online surveys and focus groups only if he/she can insure they will not or have not unfairly tainted the venue with misinformation about the case.
- d. A jury consultant can conduct online surveys and focus groups generally whenever they want subject to any court rules that may prohibit or limit conducting pretrial jury research in the venue.

- 1 (b.) It is a good practice to have a lawyer present in the room whenever possible but it is not mandatory.
- 2 (b.) A jury consultant is generally permitted to sit at counsel table during jury selection subject to the discretion of the judge.
- 3 (d.) A jury consultant is generally permitted to gather information on a prospective juror using social media (e.g., Facebook, Twitter, LinkedIn, etc.) only if they do not connect with the prospective juror and in some jurisdictions leaves no electronic “footprint” of their searches.
- 4 (d.) A jury consultant can conduct online surveys and focus groups generally whenever they want subject to any court rules that may prohibit or limit conducting pretrial jury research in the venue.

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I'm not a lawyer, but I get to boss them around.

Interview with Louis Caraballo,
Director, Liability Claims Management
Charter Communications



What did you want to be when you were growing up in New York City?

When I was a kid, I wanted to be a lawyer or a pilot. Although I wanted the lawyer part more. It intrigued me and what appealed to me was investigating, looking at every side, and applying the proper law. Which I now know is not that much different from the work I ended up doing: operations and risk management.

But you never ended up going to law school?

I took some college classes, including a couple law courses, but that was as far as I got. I pretty much went straight into retail. My first big retail job was Neiman Marcus in 1983. I did lots of operations and worked my way up to operations manager. I transferred to Minnesota, but it was too damn cold (can I say that in a family newsletter?)

So, I went to Florida to defrost for three months. But then I decided to go back to New York, where the pay was much better.

I became the director of operations for the Polo Ralph Lauren flagship store in Manhattan and the Hamptons.



Did you get discounts on clothes there and at Neiman Marcus?

I would get all my clothes where I worked. I got the best discount at Ralph Lauren, and we had to wear their clothes. But it was not a bad deal. Today, you can't buy a shirt that meets with the quality they had back then. In fact, I still have two shirts from my time with Ralph Lauren (from 1992 to 1997) that are in good shape, including a grey plaid dress shirt. I still wear them today. My fine suits? I donated those to charity when I switched jobs and didn't need to wear a suit to work every day.

Fashion aside, you learned about more than just clothes working at Ralph Lauren.

What made Ralph Lauren famous was not just his ties, but his vision of how the product was displayed and how the stores were maintained.

And they wanted the back of the house – where the employees ate, maintained stock, and just hung out - to look just as good as the front of the house and give them a nice environment. So, I mean that in a physical sense because the back of the house had the same polished specs as the front of the house. But it was also psychological: The idea being that you should treat employees well.

It all made sense because if employees love to work for you because they are treated well and treated to a nice environment in the back of the house, they will treat the customers well in the front of the house.

Your next job, Saks Fifth Avenue, ended up being a turning point.

When I was with Saks, someone said I would be a good risk manager because I knew everything about operations. So I went to Saks corporate and they asked me to put a risk management program together for the U.S. stores and the sister stores – Saks Off Fifth. I worked with our insurers too, and that's how I basically learned risk management.

Was there overlap between operations and risk management?

Operations is making things run smoothly. That means sales, shipping, receiving, etc.

Risk management, in turn, happens on the operations side. You investigate how problems occur, identify weak points, what you are vulnerable to, etc. And then you put in place the right measures to avoid the problems. In other words, you tweak the ops to make sure the risks don't happen.

And I like my job better now because I can tell lawyers what to do.

From Saks you went to the cable industry: Time Warner and now you're based in St. Louis for Charter Communications. What was it like landing in a new business environment like cableland?

When I came into the cable industry, my boss gave me three months to learn the business; interview every vice president, and just talk to people.

Then you start to learn how things operate. Why do we do this and that?

That gave me the insight I needed to learn the business before I had to implement operational change.

And when the claims come in, you look for a pattern and what you need to change. If there is anything you can engineer out, you do and try to make it better for the next time.

And I enjoy the claims aspects because there are so many pieces to track. Also, you can't make up half the stories that come across your desk.

How did you get involved with Magna?

I learned about Magna through one of their CHOPPED events almost one and a half years ago and I will say that I love their events (editor's note: CHOPPED being Magna's highly successful seminar series and annual fund raiser for Children's Hospital of Philadelphia.)

But more to the legal point, their insight is great. We now use Magna's JuryConfirm, mock jury, jury evaluator and court reporting.

What I also like about Magna is that they can support an attorney from A to Z: From jury consulting to PowerPoints for trial. It's just an incredible business model they have developed to help with the whole process.

I did not realize until I saw a trial how important it is to have someone helping you. And not just the need for two attorneys sometimes.

There is just so much going on, in a complicated case, you have to have the attorneys focused and have the background work taken care of by someone else: the printouts, the paperwork, etc.

All of those are key things. And I have been on the other side where it's one person doing everything. It's just too much for one person. The presentations look sloppy and it makes the attorney look disheveled.

But Magna does all this for you. It makes you look better and it helps you fight better. When there is a lot on the line, it may still go against you, but at least you put up a good fight.

What does Magna have in common with Ralph Lauren?

Coming from those high-end retail stores, that's what they are famous for: customer service.

Magna is the same way. Any question you have, they respond immediately. On a Sunday, I had questions about a file and asked someone at Magna about it. They immediately got back to me, said they had the same questions and they were going to address it on Monday.

So, my relationship with Magna is outstanding and I would say their customer service and sales support are outstanding.

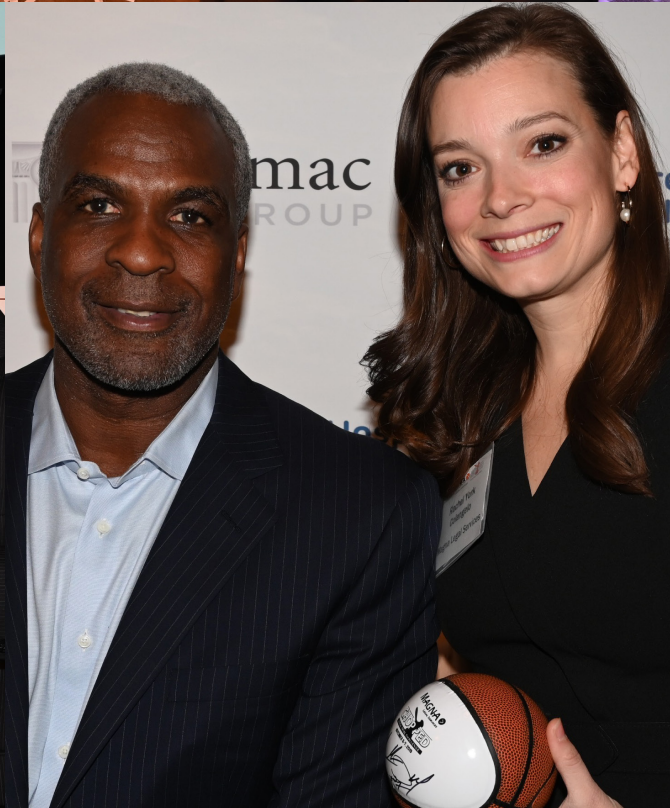
What does St. Louis have in common with NYC?

I love good food. And St. Louis is known for food. They are famous for fried raviolis, which are pretty good. But coming from NYC.... NYC has the best food. I love Italian food, and the best Italian is in NYC.

What's next for you?

I just have to pick a state to retire in. I have six years left to retire. North Carolina, Colorado or Arizona are possibilities.

Although I also have four kids and a 16-year-old who is a serious baseball player. He plays catcher. When he was 6 years old, we did a tour of Yankees stadium and a worker sort of secretly ushered us over to see Derek Jeter's locker. My son sat there, took it all in, and said he wanted to play for the Yankees. So if that happens, we might even move back to New York.





Susan Metcalfe, Esq.
Potomac Law Group, PLLC



Theodore M. Schaer, Esq.
Zarwin Baum DeVito Shaer Toddy, P.C.

Interview with the Competitors

Susan Metcalfe, Esq.

1. What does your practice primarily focus on today?

The primary focus of my practice is now, and always has been, litigation. I have served as lead counsel in a wide variety of matters ranging from contract disputes, intellectual property and franchise litigation, construction defect cases and insurance coverage issues, to premises and product liability. These actions can be as simple as a vendor agreement dispute between local small businesses— or as complex as an intellectual property case involving sophisticated global entities. The skills I bring as a litigator translate to all the cases I handle, no matter the nature or subject of the dispute, and I relish delving into new

areas of the law and mastering the substantive details of my clients' matters.

2. What do you love about your job?

I love doing exactly what Magna has invited me to do for the past 4 years— culminating in the Battle of Champions— which is to say, battling it out in a court of law. I delight in the intellectual challenge of carefully sifting through the facts and law, looking for the chinks in my opponent's armor – the facts that don't quite fit, the overlooked contract clause, or the novel interpretation of existing law. Preparing for trial takes time and hard work, but there are performance aspects in every step of preparation that can be an exhilarating challenge and an opportunity to utilize a lifetime of hard-won knowledge of human nature.

Theodore M. Schaer, Esq.

3. How did you originally connect with Magna Legal Services?

I first met Magna's Director of Sales, Dan Poletti, when he gave an in-house CLE at my first firm. I was extremely impressed with the presentation and the capabilities demonstrated, so I started doing business with Magna soon after. Magna has been a terrific, trusted partner for years and we share a lot of great memories and war stories.

4. How did you feel after winning Chopped Battle of Champions?

Each year, I prepared for the Chopped competition with the same attention to detail that I bring to every trial. I would read and reread the problem statement, always searching for the "twist" that might catch the competitors off guard. I was truly thrilled to find myself winning year after year. When Peter Hecht proposed the Battle of Champions, I have to admit – without disrespect to my many fine competitors over the years – I felt like this was the Super Bowl and World Series all rolled into one. The problem was fabulously written and as complex and nuanced as ever. Winning against such a proven veteran as Ted Schaer was obviously a thrill and a validation of decades of trial experience and hard work.

5. If you weren't an attorney what would you be doing?

My husband jokingly suggested that I answer "Gal Gadot's job." But there's a bit of truth to that— the job, not being Wonder Woman. I have always enjoyed performing: playing the guitar and singing for any audience, hosting a college television program, and even acting on a local stage as a teenager. The performance aspect of litigation is one of the great joys for me. Interacting with the jury, the judge, and opposing counsel – seeing people react and feeding off their energy and direction help make me a successful litigator. But you know, being Wonder Woman probably wouldn't be so bad either.

1. What does your practice primarily focus on today?

My personal practice focuses on the defense of cataphoric injury cases. I also spend a good amount of my time counseling businesses on data privacy and cyber security.

2. What do you love about your job?

No day is boring. My practice surrounds the activities of people in their normal lives. Seeing the things that people do and say is always entertaining. I find myself saying "you can't make this sh*t up" almost every day. I love the front row seat in the theatre of life, even though it's often times sad to watch.

3. How did you originally connect with Magna Legal Services?

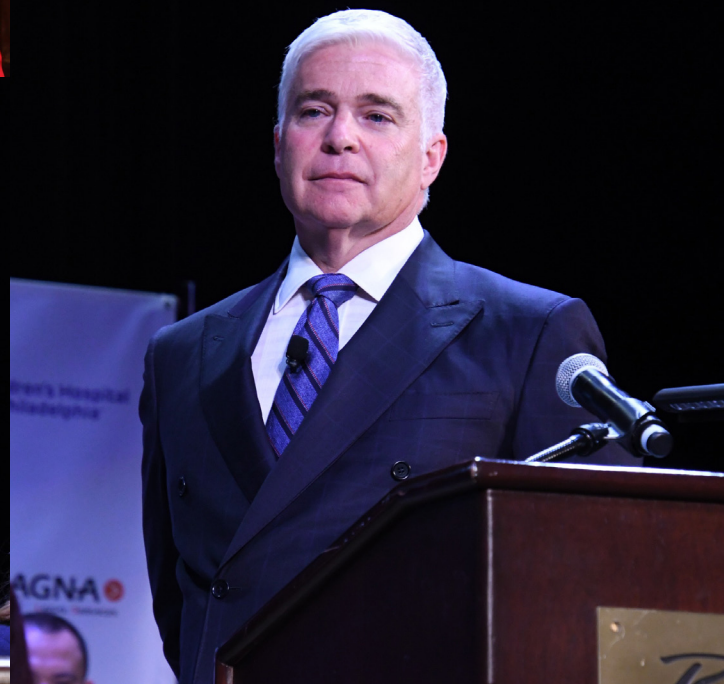
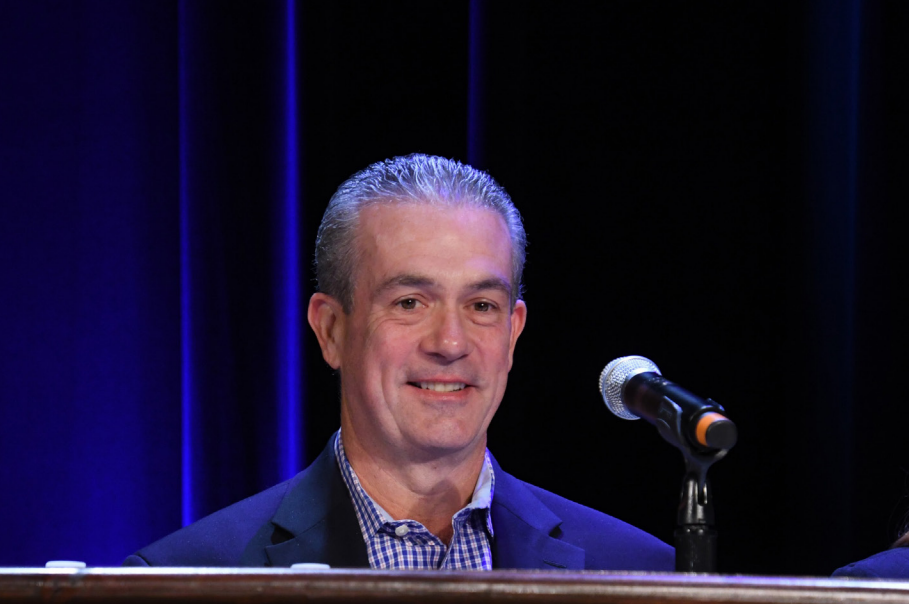
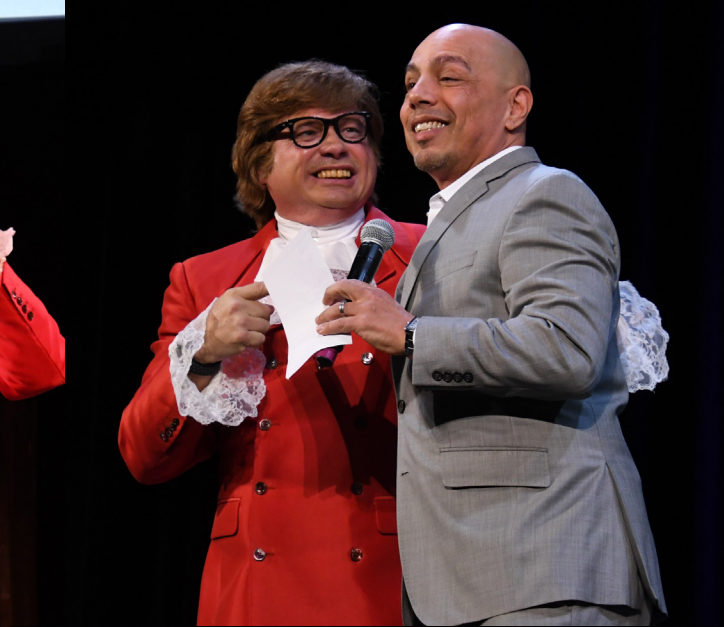
I have known Bob Ackerman for over 30 years. When Bob and Mark Calzaretta left for Esquire, our business followed them. When Bob, Mark and Peter formed Magna— we followed them.

4. What inspired you to compete at Chopped?

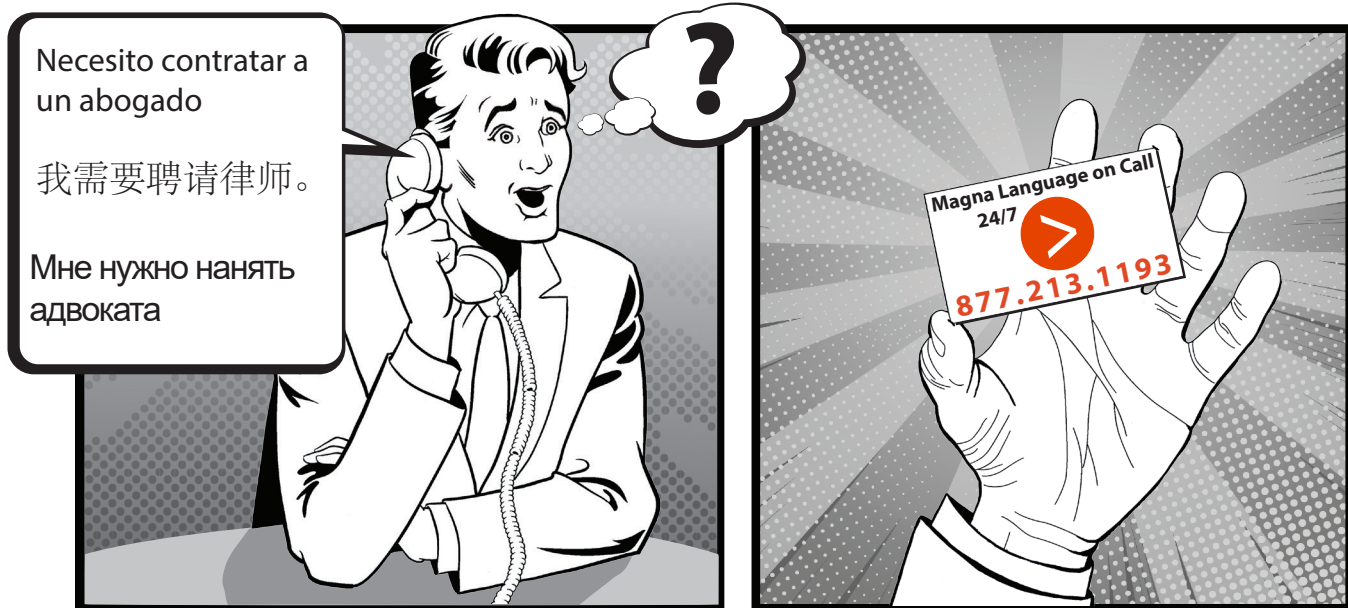
What trial lawyer wouldn't want to showcase their skills on the big stage of the Borgata in front of 200 clients and colleagues? Jury trials are becoming less frequent. To have the opportunity to compete against some of the best lawyers in the country in front of existing and perspective clients is unheard of. To have all of that and to have it benefit the work of CHOP... amazing.

5. If you weren't an attorney what would you be doing?

Selling something. At the end of the day, we are all in sales— we just sell different products.







We're excited to officially announce the newest service from Magna: **Language OnCall!**

Language OnCall is an on-demand telephonic interpretation service that allows you to connect to an interpreter in over 300 languages in seconds, 24 hours a day, 365 days a year.

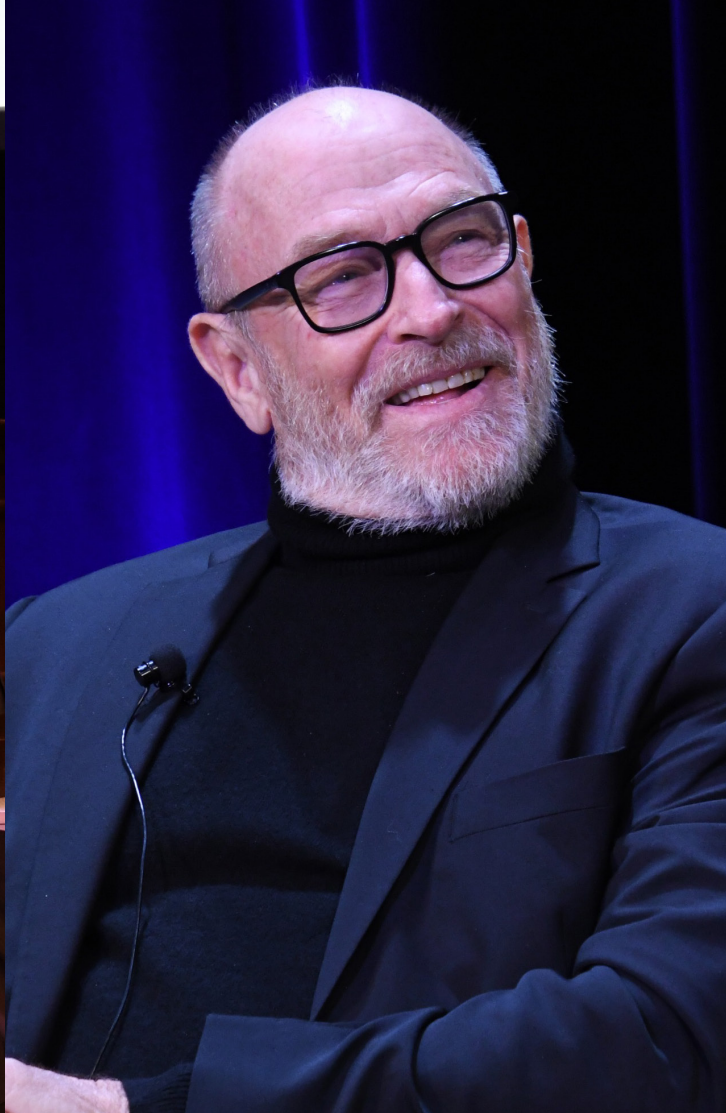
To request an interpreter, just call **877.213.1193**. The operator will ask a few basic questions and connect you to your interpreter instantly.

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Feel free to contact us for rates and more information.

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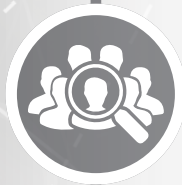






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