



## David Barnard, PhD

dbarnard@taratrask.com · M: 917.287.9494 · O: 415.771.2161

David Barnard is a Senior Consultant of Trask Consulting, a boutique litigation strategy, jury research, and trial consulting firm with offices in San Francisco, Houston, and New York.

### CAREER

#### Trask Consulting Senior Consultant 2013-Present

Dr. Barnard is a Senior Consultant at Trask Consulting, a boutique litigation strategy, jury research, and trial consulting firm with offices in San Francisco, Houston and New York. His primary practice area includes civil litigation with an emphasis on complex commercial litigation, intellectual property, contract disputes, antitrust, securities, and fraud. He has also assisted both plaintiffs and defendants in matters involving products liability, medical and legal malpractice, personal injury, insurance, libel, and real estate. Dr. Barnard has selected juries in Federal and State Court for both plaintiffs and defendants across the country. He has facilitated dozens of pre-trial research projects and has extensive experience preparing both fact and expert witnesses for deposition and trial testimony.

Over his career, Dr. Barnard has been involved in jury trials across the United States and U.S. territories. Some of his more notable engagements include assisting:

- Plaintiffs in *Waymo, LLC v. Uber Technologies, Inc.* in front of Judge Alsup in San Francisco. The dispute over the alleged theft and use by Uber of Waymo's trade secrets transfixed the tech world for months. The case was settled 5 days into trial.
- Plaintiffs in *Jibe Audio LLC et al. v. Jimmy Iovine et al.* in Los Angeles Superior Court. The jury awarded Steven Lamar \$25.25 million in his dispute with Dr. Dre and Jimmy Iovine over royalties he was owed for his role in creating the iconic Beats headphones.
- Plaintiffs in *KAIST IP US v. Samsung* in Federal Court in Marshall, Texas. The jury found that defendants Samsung, Qualcomm and Global Foundries infringed a patent owned by KAIST IP US and awarded \$400 million in damages against Samsung.
- Plaintiffs in *Green Mountain Glass LLC and Culchrome LLC v. Saint-Gobain Containers, Inc., d.b.a Verallia North America* in the District of Delaware. The jury found willful infringement of one U.S. Patent and awarded damages of \$50.3 million.
- Defendants SAC Capital and Stephen A. Cohen in *Kaplan v. SAC Capital Advisors* in the Southern District of New York. The suit resulting from the largest insider trading investigation in U.S. history was resolved prior to trial.
- Plaintiffs in *Cioffi, et al. v. Google, Inc.* in the Eastern District of Texas. The jury found that Google's Chrome Browser Sandbox technology infringes 3 U.S. Patents owned by inventors Al Cioffi and Al Rozman (deceased). The jury awarded damages of \$20 million.
- Plaintiffs in *Meyer/Brunson, et al. v. Health Plan of Nevada, Inc.* The negligence case was brought against the insurer in the wake of a hepatitis C outbreak in Las Vegas that was traced to colonoscopy clinics owned by Dr. Dipak Desai, now serving a prison term. The resulting \$525 million verdict remains the largest verdict in Nevada history.

### LEADERSHIP

Trial Consultant Advisor to the  
NYU Law School Civil Jury  
Project

Treasurer and Board Member  
of the American Society of  
Trial Consultants

### MEMBERSHIP

American Bar Association

American Psychology and  
Law Society

American Psychology  
Association

American Society of Trial  
Consultants

Dr. Barnard's background in forensic psychology allows him to combine expertise in statistics and research methodology with cutting-edge data gathering and analytic techniques to assist attorneys in venue analysis, juror profiling, jury selection, and the development of effective and resonant communication strategies.

With over a decade of experience researching juror behavior, Dr. Barnard is highly adept in procedural design, survey construction, and statistical analysis. He has also extensively studied the psychology of persuasion and processes of juror reasoning. This unique blend of the quantitative and the qualitative enables him to provide empirical insight into pre-trial research, and specifically to attitudinal characteristics, juror bias, and issues of juror perception.

Dr. Barnard earned his Ph.D. in Psychology with a concentration in Law from the City University of New York. His research focused on jury decision-making, specifically as it relates to expert testimony, complex evidence, and presentation strategies. Dr. Barnard has taught and lectured at Hunter College, Brooklyn College, and John Jay College. He has been published in the Encyclopedia of Psychology and Law and The Jury Expert and has presented his work at Stanford University and at the annual conferences of both the Western Psychological Association and the Central California Research Symposium.

Dr. Barnard is a member of the American Bar Association, the American Psychology and Law Society, the American Society of Trial Consultants. He also serves as a Trial Consultant Advisor to the Civil Jury Project at NYU Law School.

Originally from California, Dr. Barnard lives in New York City and is an avid race-runner.

### **Laboratory of Dr. Herbert Saltztein, CUNY Graduate Center** Researcher

2003-2014

- Directed projects examining accuracy and bias in eyewitness identification
- Managed website content including content, graphic design, and coding
- Designed and implemented procedures to maximize efficiency in data management

### **Legal Decision Making and Witness Behavior Laboratory,** **John Jay College**

Researcher

2006-2010

- Mentored by Dr. Margaret Bull Kovera, former President of AP-LS
- Directed research investigating juror understanding of scientific evidence
- Authored section of the Encyclopedia of Psychology and Law on jury decision-making
- Conducted mock trials, focus groups, participant interviews, and survey administration

### **Dr. Martin Chodorow, CUNY, Hunter College**

Research Assistant

2002-2004

- Assisted in study design and data collection on projects examining language and memory
- Prepared laboratory for research trials, scheduled participants, and facilitated data collection

## EDUCATION

### City University of New York, Graduate Center

- PhD Psychology, Concentration Law

### California State University, Fresno

- BA Psychology, Summa cum laude

## PUBLICATIONS + PROFESSIONAL PRESENTATIONS

TARA TRASK, CHRIS DOMINIC, EMILIE FISHER & DAVID BARNARD, Ph.D. "The People" as Jurors in 2022: Polarized but Pledged and Productive" *The Advocate*. Spring 2022.

"Which Juror Should I Challenge? Practical Tips for Selecting a Jury in Federal Court." CLE panel discussion presented to the Federal Bar Council Fall Retreat in Saratoga Springs, New York. October 2021.

"Jury Selection and Mock Trials: The Process and the Law" and "Voir Dire: The Voir Dire Process as Interpreted in Louisiana Jurisprudence." Two-session CLE panel discussion presented to the Louisiana State Bar Association in New York, New York. November 2019.

"Effective Voir Dire: How To Get The Most Out Of The Jury Selection Process." American Bar Association Litigation Section Webinar. February 2016.

Barnard, D. & Trask, T. (2016). Citizen Juror: Justice Sotomayor and Steve Susman Discuss Why Jury Duty Matters. *The Jury Expert*, 28(1).

"Masters Session: Technology in the Jury Research." American Society of Trial Consultants Conference. Las Vegas, NV. May 2013.

Barnard, D. & Kovera, M. (2007) Juries and joined trials. In B. Cutler (Ed.), *Encyclopedia of Psychology and Law*. Thousand Oaks, CA: Sage Publications.

Barnard, D. & Zelezny, L. (2002). The effects of the mere presence of others on the level of persuasion of a recipient subject. Poster Presentation: Honors Psychology Research Symposium at CSU, Fresno.

Barnard, D. & Zelezny, L. (2001). The effects of credibility and attractiveness on compliance and persuasion. Oral presentations: Stanford Undergraduate Research Symposium (2001), Central California Research Symposium, plenary session (2001). Poster presentation: Western Psychological Association convention (2002).