

Profile Marc King, Ph.D.



In his 28 years of trial psychology work, Dr. King has gained incomparable experience consulting and advising on mass action litigation, complex civil cases, and the single “must-win” case.

Dr. King brings a combination of academic expertise, diverse litigation experience, and emotional maturity to every engagement. He has a unique perspective because he advises on both sides of the bar. This allows him to think like the other side.

Dr. King specializes in high conflict–high stakes cases in which the litigants are family or akin to family, meaning they are both financially and emotionally entangled, and the legal dispute is complicated by feelings of bitterness, vindictive anger, and betrayal. These cases may involve: the dissolution of a long-

standing business partnership, siblings fighting over ownership of the family business, a contentious divorce in which corporate assets must be divided, a CEO accused of sexual harassment by a trusted employee, and other cases driven by emotionally charged, entrenched animosity.

Presenting the Strongest Case

While he is often asked to help with each phase of trial preparation, Dr. King consults on distinct aspects such as case strategy, theme development, crafting the case story, conducting pre-trial research using scientific-based methods such as the Confidential Trial Protocol®, helping prepare important witnesses for video deposition and trial testimony utilizing the Witness Effectiveness Protocol®, assisting with opening and closing statements, preparing voir dire questions for jury selection in federal and state courts, and providing trial attorneys with real-time counsel on what to ask and who to strike.

Dr. King has designed and managed integrated trial psychology research programs to assist trial attorneys prepare for multi-billion-dollar mass action litigation. With the ever-evolving challenges of multicultural dynamics and the impact of highly divided politics, Dr. King has the experience, judgment, and sensitivity to help the trial attorneys present their core case message persuasively to fact finders.

Witness Preparation

Dr. King developed the Witness Effectiveness Protocol®, a method proven to assist attorneys in preparing a critical witness, from assault victim to powerful CEO, to gain the confidence and skill to give truthful testimony maintaining the same credible demeanor whether on direct or hostile cross-examination. This is accomplished in secure online sessions (or in-person) with the witness and their attorney.

Experience Highlights Serving Plaintiff

Silicone Breast Implant Litigation

Trial Psychologist assisting John O'Quinn and his firm.

Verdict: \$25 million, \$5 million in compensatory, and \$20 million in punitive damages.

Business Contract Case (Rubicon v. Amoco)

Trial Psychologist assisting Mark Lanier.

Verdict: \$125 million in compensatory damages and \$250 million in punitive damages—the largest punitive damage award in Texas history at the time.

Ford Rollover Case

Trial Psychologist assisting with jury selection.

Verdict: \$25 million in punitive damages—the largest punitive damages verdict in U.S. history at the time in an SUV rollover case.

Texas Tobacco Litigation

Trial Psychologist assisting the Texas State AG and lead plaintiffs' attorneys in the Texas tobacco litigation.

Result: \$17.5 billion settlement after \$2 billion initial settlement value.

Anna Nicole Smith First Inheritance Case

Trial Psychologist assisting attorney Don Bowen in a three-week trial in Houston probate court representing J. Howard Marshall III and joined by Anna Nicole Smith.

Automated Lighting Technology Litigation (Lutron v. Crestron)

Lead Trial Psychologist assisting the General Counsel and lead trial attorneys in patent infringement litigation. Assisted in preparing six technology engineers who were fact or expert witnesses for trial testimony and refining central trial themes.

3-Year Engagement by National Plaintiff Firm

From August 2014 through December 2017, Dr. King was engaged exclusively by Fleming, Nolen & Jez, LLP, representing thousands of individual plaintiffs in preparing for the trial and settlement of MDL litigation, including: Transvaginal Mesh, AndroGel, Hernia Mesh, Essure, and Taxotere.

MDL Litigation Steering Committees and Bellwether Trials

Assisted the Plaintiffs' Steering Committee in conducting pre-trial jury research and analysis for the bellwether trials in MDL Litigation involving over 12,000 plaintiffs.

Experience Highlights Serving Defense

Supervising Trial Psychologist assisting a global pharmaceutical company, reporting directly to the General Counsel from 2000 through 2006. Before engaging Dr. King and his team, the company had lost multiple millions of dollars in the first five cases and faced 65,000 other individual cases. Dr. King developed and managed a fully integrated research program to revamp the defense. He guided and participated in all elements of pre-trial preparation and trial strategy execution.

Result: With Dr. King's strategic insight, the company began to win in venues around the country. More than 50 cases went to trial in Philadelphia during a two-year period. The defense won 86% of the trials, with either take-nothing or minimal damages verdicts.

Lead Trial Psychologist assisting a global consumer products company, reporting to the Associate General Counsel. Key responsibilities included discovering weaknesses with the defense trial case and quickly identifying corrective actions.

Result: Before Dr. King was added to the defense team, the first 13 trials were lost. After Dr. King provided real-time insight and guidance to the trial teams, they won the subsequent 8 cases.

Lead Trial Psychologist assisting the Associate General Counsel and National Counsel in defending one of the world's largest pharmaceutical companies in whistleblower litigation, joined by the DOJ, 13 State Attorneys General, and the Plaintiffs' Bar.

Lead Trial Psychologist assisting a global oil company in defending against multi-million-dollar royalty claims in South Texas.

Lead Trial Psychologist assisting an international technology company, reporting directly to the Associate General Counsel in multi-billion-dollar intellectual property litigation.

Lead Trial Psychologist assisting a national corporation defend against claims that the CEO created and fostered a hostile work environment.

Lead Trial Psychologist assisting a UK-based global pharmaceutical company.

Dr. King advised the trial team and Associate General Counsel, conducted pre-trial jury research, assisted in developing the central trial themes, and prepared the trial team for jury selection for a successful "bellwether case" in national litigation.

Lead Trial Psychologist assisting the defense in mass action litigation brought by over 5,000 plaintiffs alleging breach of fiduciary duty against a nationally recognized plaintiff law firm.

Result: Favorable jury verdict in the critical first trial and dismissal of all cases.

Trial Psychologist assisting numerous health care systems and outside counsels in defending against complex medical claims.

Experience Highlights

Serving Criminal Prosecution

Trial Psychologist assisting South Carolina District Attorney Tommy Pope prosecute the murder case of Susan Smith and achieve a conviction.

Trial Psychologist assisting the Ft. Worth District Attorney achieve a conviction in the Diane Zamora "Texas Cadet Murder Case."

Trial Psychologist assisting the Ft. Worth District Attorney achieve a conviction in the George Lott Courthouse shooting case. Two assistant district attorneys were killed, and two judges were wounded.

Serving Criminal Defense

Trial Psychologist assisting one of the nation's largest defense contractors against charges of corporate kickbacks from international clients.

Education

Ph.D. University of Texas at Austin, 1976.

Major: Clinical/Counseling Psychology

B. A. Cum Laude, the University of Texas at Austin, 1971.

Major: Psychology

One-year study abroad in Sweden, 1967.

Professional Service

2007 | Founder and Executive Director of Vital Justice. Lead Trial Psychologist.

2020-2021 | Collaborated with Trialcraft as Head Trial Psychologist.

1999-2006 | Founding member of Revelation, L.P., Houston, Texas and Lead Trial Psychologist.

1992-1999 | Senior Fellow, The Wilmington Institute of Trial and Settlement Sciences, Dallas, Texas. Developed scientific jury research methods, consulted with attorneys and corporate legal departments.

1981-1992 | Consultant, private practice of psychology for various hospitals and physicians, including but not limited to Presbyterian Hospital, HCA Hospital, and Baylor Hospital.

1979-1981 | Adjunct Professor of Psychology, Graduate Department at Southern Methodist University, Dallas, Texas.

Select Publications & Presentations

Bilingual Courtroom | *Journal of Trial Diplomacy*

Jury Perception | *Journal of Trial Diplomacy*

Jury Perception of Health Care Cases | *Presentation to the Defense Research Institute Pre-Conference Symposium sponsored by AIG Insurance on Nursing Home Litigation, Chicago, Illinois*

The Jury's Perspective: Responsibilities of Pharmaceutical Companies and Physicians | *Defense Research Institute*

Use of Jury Research to Obtain Objective Assessment of Liability and Damages Exposure in Dangerous Cases | *Presented to Lloyd's of London, London, England*

Psychological Dynamics in Markman Hearings | *Presented at American Intellectual Property Law Association.*

Professional Licenses & Affiliations

Licensed Psychologist (Texas)

American Bar Association

American Psychological Association

American Society of Trial Consultants

Passions Outside of Work

Dr. King is married, lives in Houston, and delights in his two young adult daughters and granddaughters.

Contact Information

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