



Public Attitudes Toward White-Collar Crime in the Aftermath of the Presidential Election



A STUDY BY THE DOAR RESEARCH CENTER

Introduction



Juror bias in white-collar cases increasingly aligns with political affiliation, amplified by recent shifts in public trust toward institutions like the DOJ.

The polarization of our nation over the last decade has grown to extreme levels. As part of this phenomenon, political affiliation and orientation (i.e., conservative/liberal) have emerged as strong predictors of attitudes on virtually every important social issue. In prior research we have seen the impact of these factors on verdict voting in white-collar cases. We found what we termed a “Trump effect” in which the picture of the defense-leaning juror changed from the pre-Trump era to the Trump era. From 2017-2020, liberals – particularly young, male and/or non-White ones – emerged as more favorable jurors for the white-collar defendant and older conservatives as less favorable, relative to what we had seen in 2013-2016¹. While we did not track data past 2020 due to the disruption of the pandemic, it was abundantly clear that political climate triggered a shift in juror profiles.

This study sought to examine how Americans’ political beliefs after the 2024 election influence juror attitudes in white-collar crime cases.

There have also been shifts in how jurors are likely to view the prosecution in white-collar cases. A July 2024 Pew survey measured Americans’ views of the U.S. Department of Justice, among other agencies. While Democrats’ views had changed little from 12 months before – about 55% held a favorable opinion – Republicans’ views were mostly negative and on the decline². These partisan differences became even more extreme in surveys about specific issues, particularly the investigations and prosecution of cases against Trump, and whether they were being conducted fairly³.

In light of these findings and of the key role that political beliefs appear to play in shaping social attitudes, DOAR undertook a survey in early 2025 to assess Americans’ attitudes toward issues pertinent to white-collar crime, especially as they relate to choice of Presidential candidate in the 2024 election.

¹ Brickman, E. The White-Collar Defense Juror and the ‘Trump Effect’: An Empirical Analysis. *New York Law Journal*, December 2, 2022, https://www.law.com/newyorklawjournal/2022/12/02/the-white-collar-defense-juror-and-the-trump-effect-an-empirical-analysis/?s_lreturn=20241125-30136

² Cerdá, A., Americans See Many Federal Agencies Favorably but Republicans Grow More Critical of Justice Department. Pew Research Center August 12, 2024. <https://www.pewresearch.org/short-reads/2024/08/12/americans-see-many-federal-agencies-favorably-but-republicans-grow-more-critical-of-justice-department>

³ Ballard, J., What Americans Think of the Charges Against Donald Trump in Four Cases, <https://today.yougov.com/politics/articles/48554-what-americans-think-charges-against-donald-trump-four-cases-poll>

The Survey

In February 2025, The DOAR Research Center conducted a national online survey of 1242 jury-eligible Americans and asked about a broad range of issues related to white-collar crime. We have been following with great interest how the tumultuous political climate of the past decade has changed the way jurors respond to white-collar crime cases. The present survey was timed to capture post-election sentiment and to consider the role that political affiliation plays in this sentiment.

THE SAMPLE

Survey respondents were recruited online by a 3rd party polling firm. Respondents came from all 50 states and were recruited to proportionately represent the Northeast, Midwest, Southern and Western regions of the country. Forty-nine percent were male and 50% were female⁴. Respondents ranged in age from 18 to 99 with an average age of 49; half the sample was under age 45 and half was 45 or over. Fifty-seven percent of the sample had not graduated from college, while 43% had a bachelor's degree or higher.

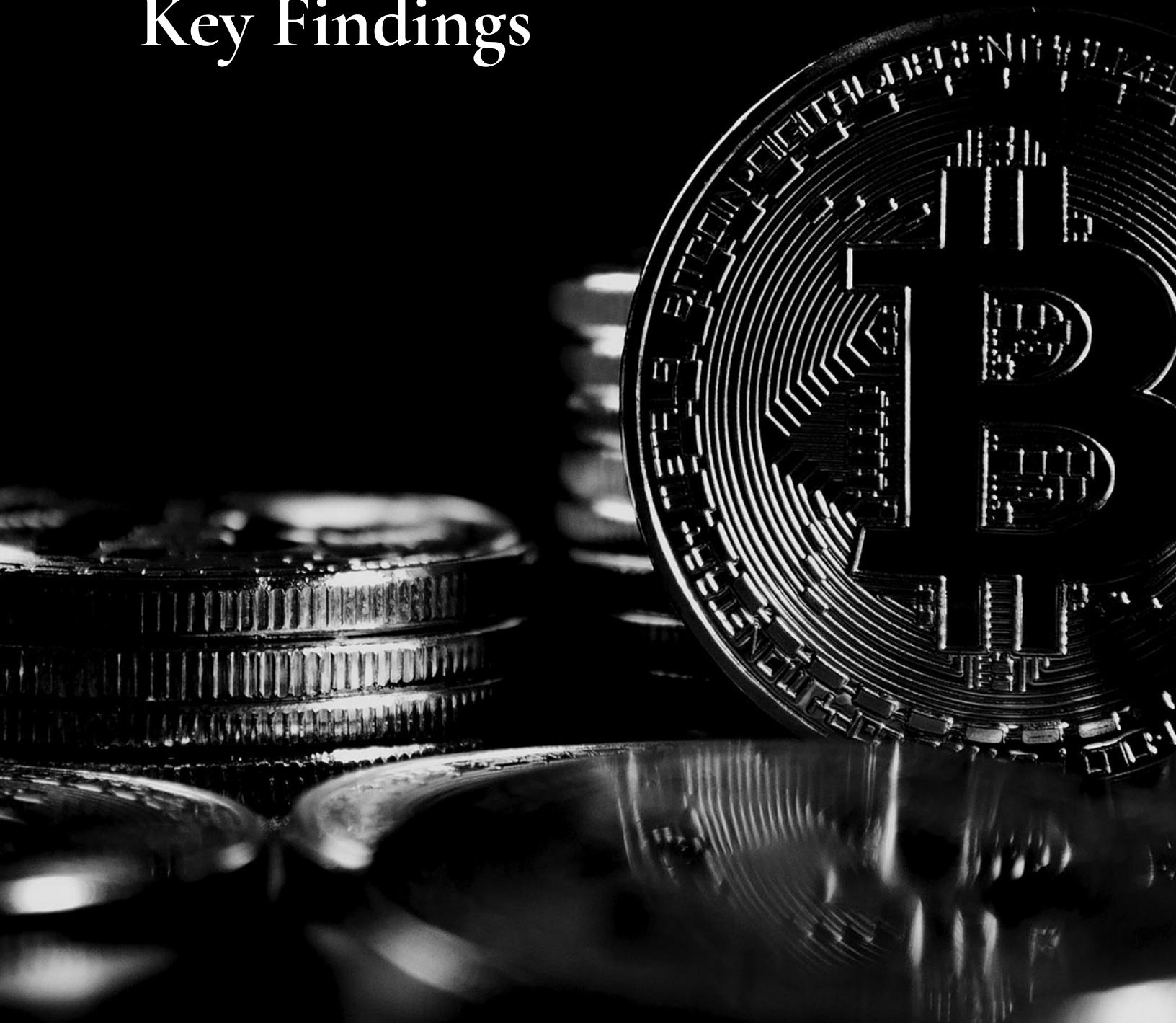
Respondents were asked in the survey which candidate they supported in the 2024 election. Forty-one percent had voted for Trump, 44% for Harris, 4% for someone else and 11% indicated they did not vote. While some of the analyses below include the entire sample of 1242, many focus on the 1,060 respondents (just over 85% of the sample) who voted for either Trump or Harris.

We note here that the survey also asked what political party respondents “most identify with” and this was compared to voting choice. Eighty-four percent of Democrats voted for Harris and 11% voted for Trump. Among Republicans, 88% voted for Trump and 6% voted for Harris. Thus, voting choice was largely consistent but not a perfect match with party identification.

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One percent were non-binary or preferred not to answer this question.

Key Findings



Juror attitudes in white-collar cases are now shaped less by traditional demographics and more by the complex interplay of demographics, political identity, trust and related personal belief systems.

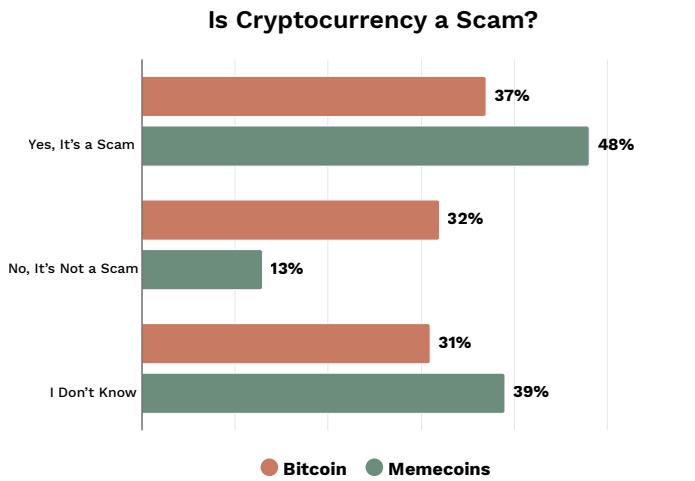
The survey began with questions about some specific types of white-collar crime cases and issues. Two of them, cryptocurrency and the Foreign Corrupt Practices Act (FCPA), are discussed here as illustrations of the strong relationships among political affinity, demographics, and perspectives on white-collar issues.

Attitudes Toward Cryptocurrency

Respondents were asked about their familiarity and experience with cryptocurrency and their beliefs about its legitimacy. Seventy-two percent were at least “a little” familiar with it, and 31% indicated they had either invested in, traded or used cryptocurrency.

With that background, respondents were asked how much they agreed or disagreed with two statements: first, that “Bitcoin is basically a scam” and second, that “Memecoins like \$Trump and \$Hawk are basically a scam.”

With regard to bitcoin, respondents divided into three roughly equal groups: 32% disagreed that it was a scam, 37% agreed, and 31% said they did not know enough to have an opinion. Memecoins elicited more negative responses, though, with 48% agreeing they were a scam and only 13% disagreeing. (Thirty-nine percent did not know enough to opine.)



Particular subgroups of the sample were more suspicious of cryptocurrency than others. Harris voters, women, those 45 or older and those with no cryptocurrency experience were more likely than (respectively) Trump voters, men, those under 45 and those with crypto experience to agree that both bitcoin and memecoins were scams. Additionally,

college graduates were more suspicious than nongraduates of memecoins, though not of bitcoin.

These findings are not surprising: Prior surveys have suggested both that Americans are generally skeptical of cryptocurrency and that those who use it tend to be largely younger and male⁵. And, Trump’s affinity for the currency likely explains why his followers would be more positive than Harris voters.

Attitudes About the Foreign Corrupt Practices Act (FCPA)

Respondents were also asked about the FCPA and related issues. These questions came at a particularly interesting time; during the two weeks that the survey was in the field, Trump announced the pause on the enforcement of the FCPA. While we assume that many (if not most) respondents remained unaware of this change, it may have skewed the views of at least some respondents. This quirk of timing was an extreme example of the very issue that drove this survey and that is at the core of our thinking in this research: We are living in an era of extraordinary political turmoil in America, and individual views on virtually every important social issue are largely driven by political affiliation and are highly polarized and rapidly changing. In this context, it can be difficult to rely on historical knowledge and understanding about juror beliefs and attitudes as they can become outdated as quickly as federal enforcement priorities do.

Survey respondents reacted to several statements related to FCPA issues. Two of these statements elicited interesting patterns of reactions:

- Some foreign governments are just corrupt and U.S. businesses have to go along with demands for bribes if they want to get anything done in those countries.
- The U.S. government should not be policing business relationships in other countries and does not need to oversee what goes on with foreign government officials.

Trump voters agreed with both of these statements more than Harris voters did and men agreed more than women. Further, both age and education showed a direct linear relationship with reactions to these statements. The older and the more educated respondents were, the more they disagreed with both statements.

⁵ Faverio, M., Dawson, W. & Sidoti O. (2024). Majority of Americans aren’t confident in the safety and reliability of cryptocurrency. Pew Research Center, Short Reads, October 24.

To the extent that the prosecution of FCPA cases is resumed, these findings suggest that the best defense juror would be male, younger, less educated and a Trump supporter. Additionally, the data suggest that people working in the financial industry and those working as managers endorse the more pragmatic viewpoint of bribery reflected in the first statement and would be more favorable jurors in such cases as well.

Views of the DOJ and the FBI

The survey also assessed Americans' views about the typical parties in a white-collar case, beginning with the government agencies involved. First, respondents were asked:

How much do you trust the U.S. Department of Justice to prosecute criminal cases appropriately and for the right reasons?

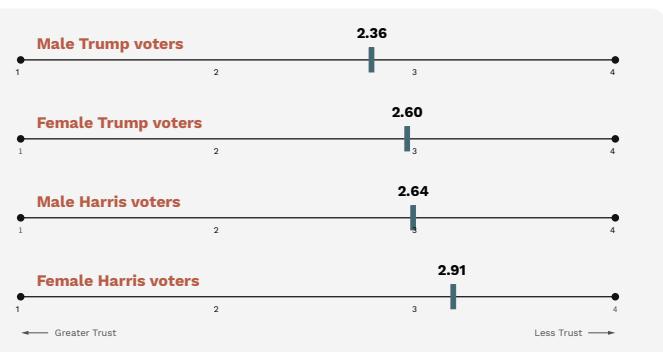
Response options ranged from "Trust them completely" (1) to "Do not trust them at all" (4). The mean score was 2.66 (standard deviation (sd)=.97), close to the response option of "Trust them a little bit" (3). Responses varied based on several characteristics. Trump voters trusted the DOJ significantly more than Harris voters; on the 4-point scale with lower scores reflecting more trust, their mean scores were 2.47 and 2.80, respectively. Men also trusted the DOJ more than women, with mean scores of 2.52 and 2.78, respectively.

These findings became even more noteworthy when we considered voting choice and gender together; then, intergroup differences became even more extreme. As seen in Figure 1, male Trump voters trusted the DOJ the most and female Harris voters trusted them the least. And, the margin between these two groups was over half a point – considerably larger than the margin between either the two groups of voters or between men and women. This interaction effect, in which gender exacerbated the effect that voting choice had on trust in the DOJ (and vice versa) was highly statistically significant.

We saw similar interaction effects for age (under 45 v. 45 and older) and voting choice. While the mean scores for the two age groups were not far apart (2.61 v. 2.71, respectively), the additive effect of age and voting choice resulted in a much wider margin between the groups that were most and least trusting of the DOJ. At one extreme were younger Trump voters, the most trusting, with a mean score

Figure 1: Trust in the DOJ by Voter Preference and Gender

Mean scores on a 4-point scale; Lower scores indicate greater trust in the U.S. Department of Justice



of 2.39; at the other were older Harris voters with a mean score of 2.85.

This pattern repeated when we considered the joint effect of education and voting choice. College graduates trusted the DOJ more than non-graduates, with mean scores of 2.57 and 2.73, respectively. When combined with voting choice, however, the gap between the most and least trusting groups widened: College graduates who voted for Trump were the most trusting (Mean=2.32) while non-graduates who voted for Harris were the least (Mean=2.84).

For each of these findings, the two middle groups (older Trump and younger Harris voters; Trump non-grads and Harris grads) fell between the other two extremes. The lesson of these data is clear; while political affiliation/preference is a strong driver of attitudes, it is not a monolithic determinant and must be considered in conjunction with other factors when trying to predict juror behavior.

Finally, the survey included two questions about the FBI:

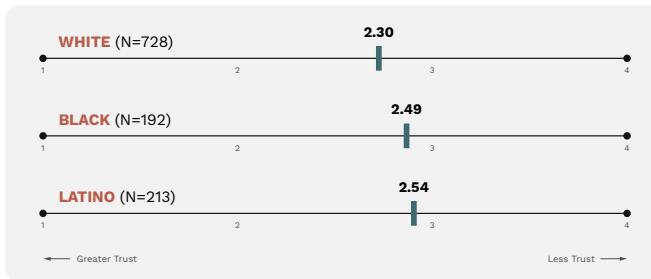
- How much do you trust the FBI to conduct a fair investigation of the conduct of corporations and corporate executives who are suspected of committing financial crimes?
- If you were a juror at a criminal trial and an FBI agent were put on as a witness, how much would you trust them to tell the truth?

Only a few significant differences emerged between groups on these questions. Men answered both questions more positively than women and Trump voters answered the second more positively than Harris voters did. This was also one of the few questions in the survey for which we saw an impact of racial/ethnic identity: Whites trusted FBI agents to tell the truth significantly more than either Blacks

or Latinos did (the number of Asians was too small to make meaningful comparisons).

Figure 2: Trust FBI Agents to Tell the Truth by Racial/Ethnic Identity

Mean scores on a 4-point scale; Lower scores indicate greater trust in the U.S. Federal Bureau of Investigations



Beliefs About Corporate Executives

One of the core questions of the survey pertained to beliefs about corporate executives, who are so often the defendants in white-collar cases. Respondents were asked to choose which statement they agreed with more:

- a. *Most corporate executives are honest and trying to do a good job.*
- OR
- b. *Most corporate executives are greedy and willing to bend the law to enrich themselves.*

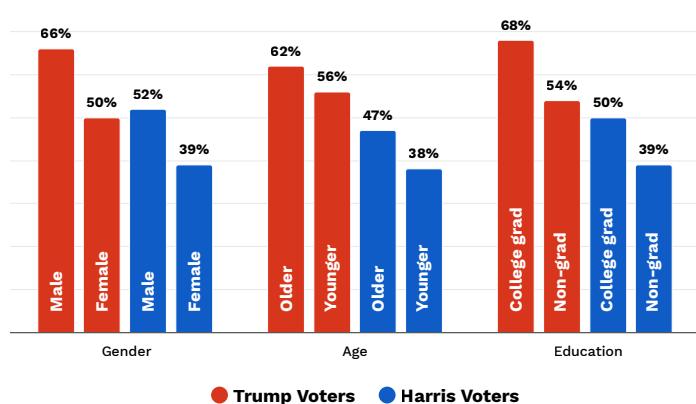
Respondents split exactly down the middle (50/50) on this question but there were a number of significant differences in demographics between those who endorsed the positive statement and those who endorsed the negative one. The positive (Most corporate executives are honest) option was chosen by:

- 60% of Trump voters v. 45% of Harris voters
- 60% of men v. 44% of women
- 54% of those age 45+ v. 46% of those under 45
- 57% of college graduates v. 46% of non-grads

Here, as with the question about trust in the DOJ, the different demographic groups are separated by margins of no more than 15 or 16 percent, but these margins become notably wider when we consider how demographic variables interact with each other. Thus, as the following figure demonstrates, the gaps between male Trump voters and female Harris voters, between older Trump voters and younger Harris voters, and between Trump voters with college degrees and Harris voters without

degrees are each much higher than 15 percent; these margins now range from 24 to 29 percent. Clearly, these groups at the extremes have very different beliefs regarding the honesty of corporate executives – beliefs that will accompany them into the courtroom as jurors in a white-collar trial.

Believe Most Corporate Executives Are Honest



The Paradox: Those Who Trust the DOJ Also Trust Corporate Executives

Those of us who spend a lot of time thinking about jurors in white-collar cases tend to think in terms of favorable and unfavorable profiles:

- Some jurors come in trusting the prosecutors and highly suspicious of wealthy businesspeople who have already been deemed worthy of indictment.
- Others are more open to believing white-collar defendants and suspicious of government efforts to go after corporate executives.

The data in the present survey, however, challenge this binary thinking. Several of the groups that were the most trusting of the DOJ – particularly male Trump voters and Trump voters with college degrees – were also the ones most likely to think corporate executives were honest. Rather than seeing people who would approach a case from a pro-government or pro-defense bias, we may be seeing people who approach it from a position of general trust – in people and systems – or general skepticism and distrust. And in fact, the survey data suggest that this is the case. When we consider those who choose the “Most corporate executives are honest” option as generally trusting of executives and those who trust the DOJ either

somewhat or completely as trusting of the DOJ (and those choosing alternative responses as non-trusting), we found that:

- 31% trusted both corporate executives and the DOJ
- 35% trusted neither party
- 19% trusted corporate executives but not the DOJ
- 15% trusted the DOJ but not corporate executives

Apparently, two-thirds of the sample would enter a jury box either generally trusting both sides or trusting neither, defying the binary notion of a juror bias postulated earlier.

Naturally, the next question was, who was in the other third? What distinguished those who favored each of the two parties from others?

The answer, surprisingly, was: very little. The only variable that firmly distinguished those who trusted one side more than another was age. Twenty-three percent of those age 45 and older trusted corporate executives but not the DOJ while only 15% of those under 45 did so. The younger group, in contrast, had slightly higher rates of trusting the prosecution (17% for younger; 12% for older) or trusting neither.

When we looked at the data more closely, it became apparent that the greater trust in corporate executives among the older respondents was actually driven by those age 55 and up. Twenty-three percent of those ages 55-64 trusted corporate executives but not the DOJ and 28% of those 65 and older did so. In contrast, no more than 17% of any age group under 45 fell into this differential category.

The Trustees v. The Skeptics

Efforts to identify predictors of who trusted both corporate executives and the DOJ versus who trusted neither – i.e., the trustees versus the skeptics – bore more fruit. Voting choice, gender, education and the urbanicity of one's residence all differentiated the trustees from the skeptics.

- **Trump voters were more trusting than Harris voters** – While Trump voters did not show a pattern of trusting one party more than the other that was any different from Harris voters,

the two groups did differ significantly with regard to whether they trusted both parties or neither party. Trump voters were considerably more likely to trust both parties; 40% of them gave responses reflecting this sentiment, while 27% indicated they trusted neither party. Harris voters were precisely the opposite: Only 26% trusted both parties and 40% trusted neither.

- **Men were more trusting than women** – While 37% of men trusted both parties and 29% trusted neither, women displayed the opposite pattern: 25% trusted both and 41% trusted neither.
- **College graduates were more trusting than non-graduates** – Thirty-five percent of graduates trusted both parties and 30% trusted neither; in contrast, 28% of non-graduates trusted both and 39% trusted neither.
- **Urban residents were the most trusting and rural residents the least** – Thirty-eight percent of the sample described their area of residence as urban, 47% as suburban and 15% as rural. The three groups were roughly comparable in terms of who trusted executives but not the DOJ and vice versa but similarities ended there. Thirty-four percent of urban respondents trusted both parties and 32% trusted neither. In contrast, 26% of rural respondents trusted both and 43% trusted neither. Suburbanites fell between these two groups. This pattern was borderline statistically significant but is worth noting, particularly for those who try cases in rural areas and should be aware of the level of distrust they are likely to be facing no matter which party they represent.

A Final Indicator of Prosecution v. Defense Leaning

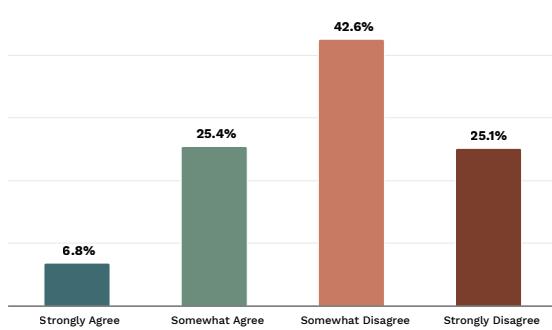
A final question in the survey offers additional insight into who might be favorable or unfavorable jurors for the government and the defense. Respondents were asked how much they agree or disagree with the statement:

If a case makes it all the way to trial, chances are the defendant is actually guilty.

A majority of respondents disagreed with this statement but there were notable differences in reactions to this statement based on several characteristics.

HOW MUCH DO YOU AGREE OR DISAGREE WITH THIS STATEMENT?

If a case makes it all the way to trial, chances are the defendant is actually guilty.

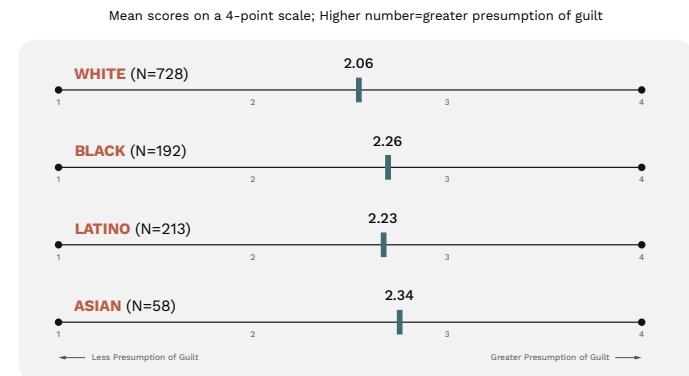


- **Trump voters presumed guilt significantly more than Harris voters** – On a 4-point scale in which higher scores indicated greater presumption of guilt, Trump voters had a mean score of 2.2, significantly higher than Harris voters' mean of 2.08.
- **Whites presumed guilt significantly less than Blacks** – Statistical analyses revealed a significant difference in responses to this question based on racial/ethnic affiliation, and post-hoc analyses revealed specifically that Whites and Blacks differed significantly from each other; Whites showed the least endorsement of this statement reflecting presumption of guilt, while Blacks showed a higher level of endorsement. While the endorsement score for Asians was even higher than that of Blacks, the small number of Asians in the sample prevented this finding from meeting the criteria for statistical significance.
- **Those age 55 and older presumed guilt less than their younger counterparts** – The two oldest groups in the survey (55-64 and 65+) were compared to the 3 younger groups (18-34, 35-44 and 45-54) and were significantly lower on the presumed guilt scale than any of these younger groups. On a 4-point scale in which higher numbers reflected greater presumption of guilt, those 55 and over had mean scores of 1.98 while the youngest respondents (18-34) had mean scores of 2.27.

In retrospect, it is possible that not all of the respondents interpreted the question in exactly the same way. While the survey's focus on white-collar crime suggested that was the focus here as well, the question was not explicitly limited to white-collar cases. The lower presumption of guilt among older respondents is consistent with how this group reacted to white-collar cases at other

points in the survey. The lower presumption of guilt among Whites relative to Blacks is noteworthy here, particularly since we did not see racial differences in response to most other questions and since it is not consistent with other research on racial and ethnic differences in attitudes toward white-collar crime. This is a finding that merits further exploration.

Figure 3: Whites Presumed A Defendant's Guilt Significantly Less Than Blacks



The finding that Trump voters have a higher presumption of guilt than Harris voters is less easily explained, given that Trump voters emerged in other findings as more generally trusting than Harris voters. Further analyses revealed an interesting twist: Among voters age 55 and over, Trump and Harris voters have roughly similar (low) levels of presumption of guilt. And, among those ages 18-34, they have roughly similar (high) presumptions of guilt. It is primarily in the 35-54 age group that we see a divergence, with Trump voters presuming guilt more than Harris voters. It is not clear from the data whether this is a group that understood the question differently – perhaps thinking about crime generally rather than focusing on white-collar cases – or whether something else was driving this difference, but it is a finding that bears exploration in further research.



Key Takeaways and Recommendations

Traditional assumptions about who makes a favorable juror in white-collar cases no longer apply—political identity, not just demographics, drives courtroom perceptions.

The survey data are clearly complex and beg the question: What do they mean? What are their implications for jury selection and for trial strategy in white-collar cases in the next several years?

The clearest finding for jury selection is that age matters: For the most part, the defense will do best with jurors age 55 and older while the government's best jurors are the younger ones, and probably also include Asians. Beyond that, the specific profile of favorable and unfavorable jurors for any case is likely to depend on the key themes of that case. Knowing what kinds of prospective jurors are most trusting and what kinds are most skeptical can be helpful as attorneys think about what they need jurors to believe. Did the defendant end up in this position because he or she trusted the wrong person? Or, is the defendant the one accused of violating the trust of others? Is part of the defense that the government has acted in unfair and inappropriate ways over the course of the investigation and prosecution? The answers to these questions can help determine whether the truster or the skeptic represents a better juror profile for a given case.

from the more general finding regarding older jurors further highlights the need to think about juror profiles on a case-by-case basis.

In fact, the biggest lesson from the complexity of the data is that when it comes to jury selection, we can no longer rely on what we thought we knew. As our 2022 study of "the Trump effect"⁶ demonstrated and the present survey confirms, the simple demographic predictors of, for example, who makes a good white-collar defense juror, have not withstood the current political and social turmoil. Decisions about jury selection must now be more nuanced, more case-specific and ideally, based on case-specific empirical data. They should also involve juror internet searches conducted in compliance with local ethical guidelines, to maximize knowledge about prospective jurors including their political leanings.

Seeing some of the wide differences between Trump and Harris voters is also a reminder of the role that these differences can play in jury dynamics at trial. A 2017 study at Stanford University found

The biggest lesson from the complexity of the data is that when it comes to jury selection, we can no longer rely on what we thought we knew.

Moreover, the survey data on crypto and FCPA issues also suggest that even the finding that older jurors are generally better for the defense does not always pertain; on those two issues, younger respondents appeared to hold more pro-defense attitudes. Those least suspicious of cryptocurrency were young, male, Trump voters, not college graduates, and had experience with cryptocurrency. Similarly, those holding the most pro-defense attitudes regarding the FCPA were young, male, Trump voters, not college graduates, and had experience in finance and/or as managers. The fact that this profile differs

that Americans' attachment to their political parties is stronger than their connection to other social identifiers such as gender, race, religion, language or ethnicity⁷. The researchers noted that this intense strong sense of partisanship often manifests in equally strong animosity to those with opposing views – an assertion most of us have likely experienced or witnessed ourselves in the recent past.

Some of the venues seeing the largest number of white-collar trials draw from both Democratic

⁶ Brickman, E. The White-Collar Defense Juror and the 'Trump Effect': An Empirical Analysis. *New York Law Journal*, December 2, 2022, <https://www.law.com/newyorklawjournal/2022/12/02/the-white-collar-defense-juror-and-the-trump-effect-an-empirical-analysis/?slreturn=20241125-30136>

⁷ Stanford Report, Americans' Partisan Identities Are Stronger Than Race and Ethnicity, Stanford Scholar Finds. August 31, 2017, <https://news.stanford.edu/stories/2017/08/political-party-identities-stronger-race-religion>

and Republican counties, or at least from largely mixed ones. Jurors from these diverse counties are likely to have diverse opinions about appropriate business practices, corporate responsibility, and the very wealthy, among other topics. We would normally expect diverse groups to make better decisions than homogenous ones: Research shows that broader perspectives yield more thorough analysis, the challenging of assumptions and critical thinking. If, however, political partisanship does intensify animosity and unwillingness to engage or compromise, we may start seeing more hung juries.

This may become a strategic consideration for defense counsel to consider in cases where a hung jury is a positive outcome: Selecting a politically diverse jury could help achieve that outcome. The present data and our ongoing work on the interplay of political climate and juror attitudes highlight the complexity of trying white-collar cases amidst turmoil and high levels of tension. The DOAR Research Center will continue to explore this issue and think about the short- and long-term implications of political change for the practice of white-collar litigation. ■

Email us at inquire@DOAR.com to schedule a partner briefing of our survey findings. Visit DOAR.com to learn more about our trial consulting services and follow us on LinkedIn and X at [@DOARLitigation](https://www.x.com/@DOARLitigation).

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Ellen Brickman, Ph.D., is a Director at DOAR and a nationally recognized jury consultant with three decades of experience advising legal teams on high-stakes, high-profile matters. At DOAR, she leads teams in conducting pre-trial research and consults on all facets of trial strategy, including theme development, jury selection, and witness preparation. Dr. Brickman is particularly skilled at designing research to address complex strategic questions and translating those insights into persuasive courtroom strategies.

Dr. Brickman has advised on numerous high-profile criminal and civil cases across a wide range of practice areas, including white-collar criminal defense, securities litigation, intellectual property disputes, and employment matters. She has worked on landmark cases such as *U.S. v. Robert Menendez*, in which the U.S. Senator faced federal bribery and corruption charges in a politically charged trial, *U.S. v. Tom Barrack*, where the founder of Colony Capital was acquitted after a six-week trial, and *U.S. v. Jayson Penn et al.*, the widely watched poultry antitrust case that ended in full acquittals.

As a thought leader in the field, Dr. Brickman has authored numerous studies on public attitudes toward key issues in emerging areas of litigation. These studies, conducted through the DOAR Research Center, provide invaluable insights into juror perceptions around trending and often controversial legal topics, enabling trial teams to anticipate challenges and shape persuasive narratives from the outset.

Dr. Brickman's articles have been featured in Law360, the New York Law Journal, and other leading legal publications. She has been quoted in national media outlets, like The Wall Street Journal, and is a regular guest lecturer at Yale Law School and Columbia Law School. She is also a sought-after speaker at major legal conferences including the ABA White-Collar Crime Institute and has led CLE programs for law firms nationwide.

Dr. Brickman has also previously conducted research in social service settings and taught courses in social psychology and research methodology at New York University, the New School for Social Research, and Fordham University. She holds a B.A. in English and Psychology from Barnard College and a Ph.D. in Social Psychology from Columbia University.

ABOUT DOAR

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