



Picture It Settled® Software – Deep Data and Predictive Analytics Revolutionize the Negotiation Process

Negotiation between legal parties has long been a process dominated by uncertainty, guessing games and anxiety. However, today's professionals can make strategic decisions based on deep data and predictive analytics to improve conventional wisdom and correct cognitive errors in judgment. Using neural networks to examine the behavior of negotiators in thousands of cases, Picture It Settled® can predict what an opponent will do, thereby saving time and money while optimizing settlements.

Picture It Settled® patent-pending technology:

- Helps parties evaluate cases with probabilistic scenarios.
- Draws on historically successful negotiating rounds to help users plot successful negotiation moves targeting their evaluations.
- Uses the Settlement Prophet™ application to project when parties are likely to settle and amount of the settlement.

How It Works

Picture It Settled® software was created by a team of attorneys and statisticians led by Don Philbin, a nationally recognized attorney-mediator. The intelligent software has learned negotiation strategy from deep data and negotiation patterns in several thousand litigated cases, ranging from fender benders to intellectual property disputes in locations from tiny counties, large cities and everything in between.

Picture It Settled® predictions help parties and their lawyers improve their results by modeling the anticipated reactions certain behavior will elicit from their opponent - just as weather forecasters model storms using some of the largest computers available to project the path of a hurricane. Artificial intelligence is no substitute for well-honed human expertise, but it does help improve forecasts by quickly modeling dozens of scenarios. Similarly, Picture It Settled® doesn't replace honed intuition; it guides decision-makers by quickly



modeling anticipated reactions based on thousands of cases.

Using Picture It Settled® when offers start rolling in from the opponent, the negotiator can see if and when a settlement might be reached, fine-tune objectives, and plan future concessions accordingly.

Picture It Settled® creates a dynamic visual representation of negotiation rounds. The purple overlap area indicates the greatest potential for settlement.

KEY FEATURES

Scenario Planning

To effectively negotiate a litigated case, Picture It Settled® guides professionals through a realistic assessment of likely outcomes, asking them to estimate best and worst scenarios. The best case scenario for a plaintiff might be \$4M, while the worst case scenario might be a take-nothing-judgment and potentially an attorney fee award to the other side. Other potential outcomes might fall between these extremes: perhaps \$2M and \$1M outcomes.

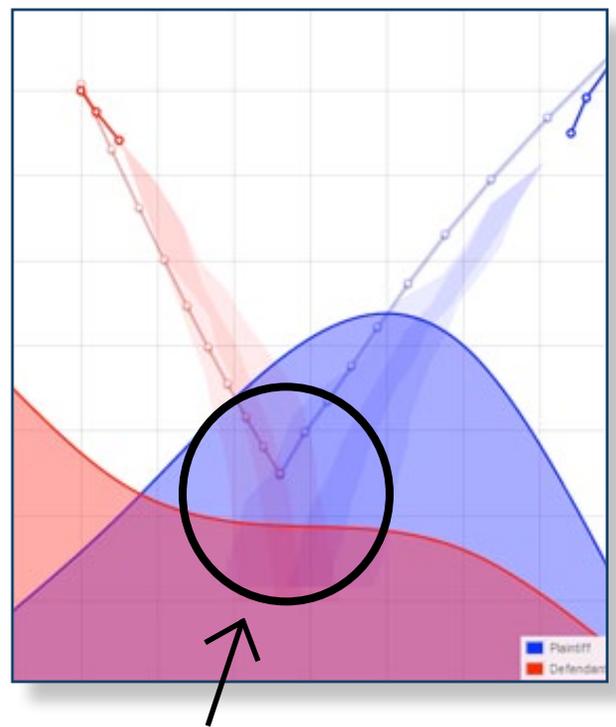
Determining what outcome may result from one trial is difficult, but estimating the probability of a range of outcome scenarios resulting from multiple trials adds perspective. If plaintiffs are asked how many times out of 100 they expect the high outcome, their assessment will naturally skew toward higher numbers – they expect to get more money. Asked to play the other side, they may be slightly less optimistic, but their numbers will still lean at least 15% toward the number they prefer. The opposite is true of defendants. Picture It Settled® helps litigants debias their initial assessments to develop a pragmatic negotiation plan.

Offer Projections using Settlement Prophet™

Real-time forecasts sharpen the negotiator's aim and improve results. Wouldn't you like to know where your next round is headed? Wonder whether you're moving toward a settlement or wasting time? Get real-time projections in time and money based on deep data and the internal dynamics of a particular round?

The Picture It Settled® Settlement Prophet™ does just that. See graph at right. The most likely scenarios appear in darker colors and less likely moves appear in lighter shades. The intersection point of the darkest colors in time and money estimates the most likely settlement.

While projections will begin with two moves on each side, accuracy of the prediction increases as more data is added. The system is not static and continually learns from new data. The predictions telegraph success or failure and allow for fact-based, mid-course corrections based on valuation data coming in the form of bid and ask prices from the other side. Whether this round will succeed now has an answer.



Settlement Prophet™ shows a darkened overlap where the settlement potential is greatest.

KEY FEATURES

Negotiation Move Planning

Based on an assessment of the potential outcomes, a user can narrow the target settlement range, and then focus on timing concessions. The negotiation dance can only be rushed so much – the right number at the wrong time is the wrong number. Picture It Settled® allows you to optimize a concession plan based on thousands of successful negotiations, excluding those ending in impasse.

Say you are the plaintiff and, based on your scenario case evaluation, you want to end up at \$1.8 million. Picture It Settled® helps you decide what your initial offer should be by examining similar cases. Based on that data, Picture It Settled® suggests a series of offers that help you reach your goal. You may determine that you'd better start at \$4 million to land at \$1.8 million. Enter \$1.8 million as your Target Settlement, expected around 4:30pm, and \$4 million, offered at about 10:30am, as the Plaintiff's Initial Offer. Based on those inputs, Picture It Settled then calculates a negotiation plan that spreads concessions out over time to optimize signaling to the other side and increase the odds of success.

You can customize the plan based on your knowledge of the case and your negotiating counterpart by adjusting the number of rounds, offer timing, and dollar increment at the beginning or end of the plan. You can also easily model what you expect the other side to do.

Security

Picture It Settled® was built with security features by a well-known applied research organization and is layered with Gazzang for security levels equal to those used to protect health and financial records.

Picture It Settled® Key Benefits

- Saves time and money
- Helps optimize settlement
- Reduces negotiation errors
- Mitigates cognitive bias
- Allows for mid-course correction
- Easy to use
- Required data can be entered in just a few minutes
- Predictions made with 80% accuracy and improve when additional offer data is entered

ABOUT US



PICTURE IT SETTLED®
NEGOTIATION ART INFORMED BY SCIENCE

About Don Philbin, Creator of Picture It Settled®

Don Philbin, J.D., M.B.A., LL.M., is an AV-rated attorney-mediator and president of Picture It Settled® (www.pictureitsettled.com), a software company that develops predictive analytics for negotiation based upon deep data from thousands of litigated cases.

After litigating commercial cases, forging business deals and case resolutions as general counsel and president of technology companies, and mediating hundreds of individual and collective cases in a wide variety of substantive areas, Don observed that the rhythm of the negotiation dance was predictable. So he collected data on thousands of cases from lawyers, companies, mediators, and other sources. Studying the patterns in two dimensions (money and time), he developed Picture It Settled®.

Using neural networks, predictive modeling, and genetic algorithms, Don, with considerable assistance of scientists at Southwest Research Institute®, isolated trends across groups of similar negotiations and trends that develop within particular negotiations. Now Picture It Settled® web-based software and its mobile app help negotiators optimize their concession strategies and predict where a round will end.

Don was one of three Texas mediators listed in the inaugural edition of The International Who's Who of Commercial Mediation (2011; one of five Texas mediators in the 2012 edition), was recognized as the 2011 Outstanding Lawyer in Mediation by the San Antonio Business Journal, and is repeatedly listed in: The Best Lawyers in America, Texas Super Lawyers, The Best Lawyers in San Antonio, and the U.S. News and Best Lawyers "Best Law Firm" survey. He is an elected fellow of the International Academy of Mediators and the American Academy of Civil Trial Mediators.



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