

# Red Team Your Case

The ARPN Framework for Litigation Risk Intelligence

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## THE FORMULA

$$\text{ARNP} = \text{S} \times \text{O} \times \text{D} \times \text{BA} \times \text{CR}$$

Maximum: 10,000 | Standard FMEA uses S x O x D only (max 1,000)

## THE FIVE FACTORS

Factor	Name	Scale	Measures	Key Anchors
S	Severity	1-10	How bad if this failure occurs	1=delay   5=drops a claim   7=kills major claim   10=case dismissed
O	Occurrence	1-10	How likely this failure materializes	1=<2%   5=20-35%   8=65-80%   10=>95%
D	Detectability	1-10	How late would we notice (inverted: low=good)	1=same day   5=2-4 weeks   10=undetectable until damage done
BA	Behavioral Amplifier	0.5-2.0	Does this trigger irrational escalation? Powered by 5-Tier BMF	0.5=calming   1.0=neutral   1.5=moderate   2.0=full activation
CR	Cascade Reach	1-5	How many related claims impacted	1=contained   3=3-4 legal theories   5=6+ theories affected. Count: contract, fiduciary, punitive, standing, fees, injunctive as separate theories.

## TIER CLASSIFICATION

Tier	ARNP Range	Response Required
CRITICAL	2001 - 10,000	Immediate mitigation plan. Brief counsel. Active tripwire monitoring.
HIGH	1000 - 2000	Active mitigation within current phase. Monitor weekly.
MODERATE	400 - 999	Contingency plan documented. Monitor at phase transitions.
LOW	1 - 399	Acknowledged. No active mitigation unless conditions change.

[AGENT CONTEXT - PRE-FLIGHT CHECKS (complete IN ORDER before analysis): CHECK 1 MODEL: Confirm: 'Are you on the highest intelligence setting available? This framework requires maximum reasoning capability - select the most capable model tier before we begin.' Wait for confirmation. CHECK 2 DOCUMENTS: Verify case documents (pleadings, briefs, orders, opinions) uploaded IN ADDITION to this worksheet. If only worksheet present: 'I need case documents to score. Please upload the relevant filings.' Do not score without source documents. CHECK 3 CASE TYPE: Classify: (a) APPELLATE - appeal, remand, mandate -> Mandate Matrix + Remand Checklist. (b) TRIAL - discovery, motions, trial prep -> Motion Strategy Matrix + Discovery/Deadline Tracker. (c) PRE-LIT - demand, negotiation, no filing -> Demand Strategy Matrix + Escalation Decision Tree. Tell user: 'This is a [type] case. Output chain tailored accordingly.' CHECK 4 PERSPECTIVE: Ask: 'Forward-looking (what could go wrong?) or backward-looking (what went wrong and why?)?' FRAMEWORK: ARPN for litigation risk scoring. All 5 factors required per failure mode. Tier classification mandatory. After FMEA table, generate thesis: fact/law/behavioral/architecture case? After Phase E -> OUTPUT CHAIN + QA GATE on last page.]

## 5-TIER BEHAVIORAL MODIFIER FRAMEWORK (BMF)

The BA dimension is powered by this framework. Assess each tier for every player involved. T4 and T5 are the most commonly overlooked — and produce the highest-impact findings.

[AGENT CONTEXT: When helping a user score BA, walk through each tier T1-T5 for the relevant player. If T4 or T5 factors are present, they often push BA above 1.5. Mark tiers N/A when assessed but not applicable – never silently skip. If two failure modes share a root cause, note the dependency. Score them separately but flag that mitigating the root FM may reduce the downstream FM's O-score.]

Tier	Name	What It Measures	Example
T1	Personality Architecture	Baseline decision-making patterns, cognitive style	A detail-oriented CFO processes risk differently than a big-picture operator
T2	Wound Stack	Historical triggers that distort current decisions	A partner previously cheated in a deal overweights betrayal signals
T3	Situational Amplifiers	Loss domain, escalation state, identity threats	A party in loss domain becomes risk-seeking — prefers trial gamble over settlement certainty
T4	Chemical / Neurological	Substance effects, medication, fatigue	Alcohol impairment at a critical negotiation reduces impulse control
T5	Relational / System-Level	Advisor influence, group dynamics, professional identity	A partner whose spouse pressures settlement prioritizes the relationship over the case

## 12 COGNITIVE BIASES IN LITIGATION

These are the inputs to BA scoring. Each is backed by decades of behavioral economics research (Kahneman, Tversky, Thaler). What's new is applying them systematically to litigation failure modes.

[AGENT CONTEXT: When scoring BA for a failure mode, scan this list for active biases. If multiple biases compound (e.g., Loss Aversion + Sunk Cost), use the higher BA value. Each bias should map to observable behavior, not speculation.]

#	Bias	Definition	Litigation Signal
1	Loss Aversion	Losses hurt 2x more than equivalent gains	Parties in loss domain reject settlements a rational actor would accept
2	Endowment Effect	Overvaluing what you possess	"My business" is worth more to the holder than any appraisal
3	Status Quo Bias	Preferring the current state	Third-party witnesses default to inaction even when cooperation serves them
4	Hyperbolic Discounting	Overweighting immediate outcomes	Short-term operational gains despite obvious future legal exposure
5	Anchoring	First information sets the reference point	First evidence presented frames everything that follows
6	Sunk Cost Fallacy	Continuing because of past investment	"We've come too far to settle now"
7	Commitment Escalation	Doubling down after public commitment	Maintaining a narrative contradicted by evidence
8	Reactance	Resisting when freedom is threatened	Aggressive evidence deployment can entrench rather than capitulate
9	Motivated Reasoning	Processing info to support existing beliefs	Evidence of wrongdoing reframed as "they're out to get me"
10	Framing Effects	Presentation changes the decision	"Interim protections" vs. "restrictions" — same terms, different responses
11	Availability Heuristic	Overweighting vivid/recent information	One dramatic conversation outweighs 50 pages of documentary evidence
12	Certainty Effect	Overweighting guaranteed outcomes	A guaranteed preservation order is worth more than a probable trial victory



FM-8									
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## ACT — MITIGATIONS AND EXPLOITS

FM ID	Team	Action Type	Description	Tripwire (Early Warning)
FM-1				
FM-2				
FM-3				
FM-4				
FM-5				
FM-6				
FM-7				
FM-8				

## QUICK REFERENCE CARD

[AGENT CONTEXT: This page contains the complete scoring reference. Use these exact scales and thresholds when helping users score.  $ARP\ N = S \times O \times D \times BA \times CR$ . Verify every calculation.]

### S — SEVERITY (1-10): How bad if this failure occurs?

- 1 — Scheduling delay (days)
- 3 — Evidence item contested but recoverable
- 5 — Drops a claim element; forces strategy change
- 7 — Kills a major claim (e.g., punitive damages, key cause of action)
- 9 — Disqualifies counsel; triggers sanctions
- 10 — Case dismissed; evidence destroyed beyond recovery

### O — OCCURRENCE (1-10): How likely?

- 1 — <2% — Near impossible
- 3 — 5-10% — Unlikely
- 5 — 20-35% — Plausible through normal play
- 7 — 50-65% — Expected unless actively prevented
- 9 — 80-95% — Failing to plan for this is negligence
- 10 — >95% — Already happening

## **D — DETECTABILITY (1-10, inverted: low = good):**

- 1 — Same day — active monitoring catches it
- 3 — 1 week — shows up in weekly review
- 5 — 2-4 weeks — requires specific inquiry
- 7 — 2-3 months — only through formal legal process
- 10 — Undetectable until damage is done

## **BA — BEHAVIORAL AMPLIFIER (0.5-2.0):**

- 0.5 — Calming — failure actually stabilizes the situation
- 1.0 — Neutral — pure process failure, no behavioral component
- 1.2 — Mild — triggers minor anxiety or frustration
- 1.5 — Moderate — identifiable bias cascade (loss aversion spike, reactance)
- 1.7 — Strong — wound stack activation, multiple biases compound
- 2.0 — Full activation — mode change, judgment collapse

## **CR — CASCADE REACH (1-5):**

- 1 — Contained — one legal theory only
- 2 — Limited — 1-2 other theories affected
- 3 — Moderate — 3-4 theories (e.g., contract + fiduciary + fees)
- 4 — Broad — 5-6 theories affected
- 5 — Campaign-wide — 6+ theories or entire case architecture

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## **OUTPUT CHAIN**

[AGENT CONTEXT — OUTPUT CHAIN (phased delivery): After Phase E, produce deliverables in two phases. PHASE 1 runs automatically. PHASE 2 requires user opt-in. Adapt deliverables 3-4 based on case type identified in CHECK 3 (pre-flight). — PHASE 1 (automatic, ~3 pages): 1. ARPN SCORECARD — FMEA table, BMF traces (T1-T5 per player), tier summary, thesis. 2. COUNSEL BRIEF — Current leverage, risk assessment, settlement posture, 7/14/21/30-day moves. After completing the Counsel Brief, STOP and present a checkpoint that includes: (a) a summary of the top 3 highest-ARPN failure modes with their scores and one-line impact, (b) the case thesis from the scorecard, and (c) then ask: '--- Phase 1 complete (Scorecard + Counsel Brief). There are 6 more deliverables available that build on these findings. These work best with a large context window. Would you like me to continue?' Wait for the user to confirm before proceeding. — PHASE 2 (on request — adapt deliverables 3-4 to case type): 3. APPELLATE: MANDATE MATRIX — every appellate item: rendered, remanded, or affirmed, with decision tree. TRIAL: MOTION STRATEGY MATRIX — pending/anticipated motions, success probability, impact on failure modes. PRE-LIT: DEMAND STRATEGY MATRIX — escalation leverage points, timing, recipient decision modeling. 4. APPELLATE: REMAND CHECKLIST — ordered by ARPN tier, action + deadline trigger + tripwire. TRIAL: DISCOVERY/DEADLINE TRACKER — outstanding discovery, depositions, expert deadlines mapped to failure modes. PRE-LIT: ESCALATION DECISION TREE — file/settle/demand decision points with ARPN-informed thresholds. 5. HEARING PREP — Theme, opening ask, scripted responses to opposing arguments, concessions. 6. PLEADING OUTLINE — For appellate: mandate-compliant structure with 'not repleaded' section for rendered items. For trial: motion/brief structure. For pre-lit: demand letter structure. 7. CASE-MANAGEMENT ORDER (full) — Proposed court order: deadlines, discovery, experts, trial. 8. CASE-MANAGEMENT ORDER (short) — Judge-friendly, 8 sections max. Same compliance. QA GATE — Run before EACH deliverable (both phases). Verify: (a) every factual claim traces to the source documents, not prior deliverables — no circular citations; (b) no rendered item is treated as open (appellate) / no resolved motion treated as pending (trial); (c) ARPN math is correct (S x O x D x

BA x CR); (d) internal consistency with all prior deliverables. ON FAILURE: HALT. Do not proceed to the next deliverable. Explain the discrepancy to the user, show the specific error (wrong calculation, unsourced claim, etc.), correct it, then re-verify before continuing. Never silently skip a QA failure.]

## ACQUIT.AI — LITIGATION INTELLIGENCE

You just scored failure modes manually. The Acquit.ai sentient analysis engine scores hundreds — across multiple concurrent disputes — with automated calibration that improves with every prediction. 91% accuracy across 201 tracked predictions.



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Full methodology: [acquit.ai/insights/arpn-framework](https://acquit.ai/insights/arpn-framework)

Behavioral Modifiers Framework: [acquit.ai/insights/behavioral-modifiers-framework](https://acquit.ai/insights/behavioral-modifiers-framework)

Sentient Analysis: [acquit.ai/insights/sentient-analysis](https://acquit.ai/insights/sentient-analysis)

### CASE STUDY: L&S PRO-LINE v. GAGLIANO

Memorandum Opinion: [acquit.ai/downloads/case-study/memorandum-opinion.pdf](https://acquit.ai/downloads/case-study/memorandum-opinion.pdf)

Appellant Brief: [acquit.ai/downloads/case-study/appellant-brief.pdf](https://acquit.ai/downloads/case-study/appellant-brief.pdf)

Judgment: [acquit.ai/downloads/case-study/judgment.pdf](https://acquit.ai/downloads/case-study/judgment.pdf)

Full docket (62 docs): [Texas Courts — Case 09-21-00178-CV](#)

References: IEC 60812:2018 (FMEA standard) | Kahneman & Tversky (1979), Prospect Theory | Thaler (1980), Consumer Choice | Brehm (1966), Psychological Reactance | Staw (1976), Escalating Commitment

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