

## First it's about the jurors' stories, not yours

In past issues of *Clear thinking* we've discussed research that substantiates that reason without emotion is neurologically impossible for the human brain. People don't deliberately choose their unconscious attitudes. The next step to reaching your jury, your judge or your arbitration panel, is to understand the path to their personal stories; the unconscious guides in their minds; and ways to leverage those guides in *your* story.

The Path: stories let people make their own sense of facts and invite people in, while arguments ask to be evaluated, judged, debated and then argued back.

**"People don't deliberately choose their unconscious attitudes . . . You need to remove, engage or channel their unconscious guides."**

To make your story *their* story (so they come to the same conclusion that you have), you need to make the story personal to *them*. You need to remove, engage or channel their unconscious guides. Ultimately, says Psychologist Melvin Lerner, "People need to believe in a just, stable, predictable and controllable world." Jurors want balance and *want* to create justice.

Your ability to create the balance jurors crave in court depends on your ability to understand the potential

unconscious guides of your jurors. Some of the obvious and not so obvious guides on which there is substantive research:

- Beauty – Juries elevate damages for more attractive plaintiffs and decrease damages for more attractive defendants, male or female.
- Familiarity – Repetitive exposure to a face creates likeability, then influence.
- Authority – We are vulnerable to *symbols* of authority over substance.
- Scarcity – Information is more persuasive if we think we can't get it elsewhere.
- Complexity – Our brains are unequipped for the volume of information; we revert to focusing on a single, usually reliable feature of it.



Click image to see  
the story unfold

Whatever guides are present in your case, when jurors hear a story their minds automatically simulate it visually. When jurors see a visual in court they incorporate common experiences and understanding into their analysis. As we understand the guides in our story *and* in our opponent's story, we can craft visual signposts that contextualize and complete the jurors' visualization; we can *standardize* the guides for each juror to leverage your story.

That's because we know, from years of scientific research, that visuals elevate engagement, create structure, refine understanding and improve retention.