

Jurors crave justice, help them find it on their own

Stories let people make their own sense of facts. And in a society where people are drowning in information, a well-told story in court allows your facts to have influence, and allows the jury to find the justice they crave.

Not every story persuades. To build a persuasive story you need to understand human behavior. Last June, in this newsletter, we wrote about *context*. We wrote about touching and harnessing the juror's own experience. It begins with understanding that the juror values their own experiences and conclusions more than yours. You will never change that.

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 can do this, whether you're plaintiff or defense, by first giving them a new story. As Annette Simmons says in her excellent book *The Story Factor*, "If you don't give (people) a new story, they will simply slide new facts into old slots ... they will search their memory banks until they find a story that fits for them." That is likely to be costly in court.

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For instance, if you're defending an insurance company or you're a class-action securities plaintiff in hostile territory, telling the new story is critical to your case, no matter how strongly you

view your set of facts.

As with all engaging stories, the new story revolves around justice. (Even love stories ultimately revolve around it.) Every juror has at least one personal experience of justice and injustice, so they know what it *feels* like. It is up to you and your trial consultants to use storytelling and storytelling visuals to tap into the fundamental psychological hot buttons that direct human behavior and allow the juror to associate with your story (more on the hot buttons in a future newsletter). Keep in mind that because human behavior is influenced over time, these hot button strategies should arc from Opening Statement to Closing Argument, within a clear context, if you hope to have jurors come to the same conclusions as you.