



Giving Anger a Voice: Approaching Anti-Corporate Frustration Through Trial Strategy

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The assassination of UnitedHealthcare CEO Brian Thompson ignited a complex array of public reactions. Amid the standard shock and sympathy, many less orthodox responses emerged: expressions of dark humor, bitter comparisons of his death to his company's denials of coverage, and even outright approval of the act. An Emerson College poll¹ found that 17% of respondents deemed the killing "acceptable," including an astounding 41% of 18- to 29-year-olds.

Yet, unconventional as such responses may be, those with a finger on the pulse of public sentiment were not all that surprised. The public support of Luigi Mangione and the vilification of Brian Thompson were symptomatic of pre-existing, deep-seated frustrations. This unprecedented moment served not to conjure animosity towards corporations, health insurers, or even executives. Instead, it acted as a siphon, channeling anger through a singular high-profile event. The tragic shooting did not create this anger; it revealed it.

The timbre of the public outcry was clear: people feel disenfranchised and disempowered. Many feel that institutions, both corporate and governmental, have largely failed them.

As corporate defendants navigate the landscape of anti-corporate sentiment that we have seen deepen and broaden over recent years, it is imperative that they adapt their toolkit to respond to the prevailing public voice. Certainly, the narratives surrounding Thompson's death have significant implications for healthcare defendants as they navigate jury selection and trial strategies. However, industries beyond healthcare also should be attentive to these dynamics, as they reflect broader societal attitudes that could influence legal proceedings.

Empirical Evidence of Anti-Corporate Attitudes

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For example, regarding healthcare specifically, a 2023 survey of Consumer Experiences with Health Insurance by the Kaiser Family Foundation (KFF)ⁱⁱ found that nearly 60% of insured adults experienced issues with their insurance in the past year, including denied claims and pre-authorization delays. This dissatisfaction was particularly pronounced among individuals with chronic illnesses or significant medical expenses. A 2022 PhRMA and Ipsos surveyⁱⁱⁱ reported that 86% of Americans believe Congress should take action to regulate “abusive health insurance practices,” reflecting a widespread perception that health insurers prioritize profits over people’s needs.

These frustrations extend beyond healthcare. The Economic Policy Institute^{iv} reports that in 2023, the average S&P 500 CEO earned 399 times the median worker’s pay, a discrepancy that has fueled public anger over economic inequality and reinforced the perception that corporations are detached from the struggles of everyday people. Indeed, a 2024 Pew Research Center survey^v found that 68% of respondents believe large corporations have a negative effect on the way things are going in the country these days.

A Unified Voice for Anti-Corporate Sentiment

In the wake of Thompson’s killing, public discourse across nearly all social media platforms echoed widespread dissatisfaction with corporate behavior. On X (formerly Twitter), users shared posts accompanied by laughing emojis, mocking the healthcare system and suggesting that Thompson’s death was a form of karmic justice. Many recounted personal experiences with denied insurance claims and unaffordable healthcare, framing the incident as emblematic of systemic failures; others had no direct negative experiences at all, yet displayed the same vitriol.

Reddit hosted discussions where users debated which CEOs might be “next,” sardonically questioning which corporate leaders deserved public protection. Other threads indicated collective solidarity with the then-unidentified shooter. Within days of the shooting, a small “lookalike” contest materialized in NYC’s Washington Square Park, with participants donning their best take on the shooter’s apparel as caught on surveillance footage.^{vi}

Reactions like these underscore a pervasive anger with corporate practices, particularly when it comes to industries like healthcare that directly impact people’s lives. They also reflect a cultural shift wherein grievances are expressed willingly and loudly, by way of posts, memes, and viral online campaigns.

Strategic Solutions for Corporate Defendants

From a corporate defendant perspective, this reality cuts both ways. In cases involving insurer defendants, for example, defense counsel may well expect themes along the lines of “Deny, Defend, Depose”^{vii} to be organically generated, without much need for plaintiff’s counsel to prime them directly. Ironically, however, the vocal response to Thompson’s murder has also made civil defendants’ job slightly easier.

The explicit public endorsement of anti-corporate, anti-insurance, and anti-executive attitudes has given many jurors the language and narratives to express their frustrations, and it has empowered them to do so more openly. During voir dire, jurors may reference viral memes, online threads, or public critiques of corporate practices when discussing their views. Thus, corporate defendants will need to develop strategies, themes, and narratives to identify and counter these biases in the courtroom.

During Voir Dire

Jurors with strong anti-corporate attitudes may have become emboldened by the public discussions and viral narratives surrounding Thompson’s killing. In doing so, such jurors are more likely to self-identify in voir dire. Now more than ever, it is easy to ask and listen.

As the messaging is top of mind in the public psyche, defendants can take the following steps to elicit feedback from jurors with related attitudes, using that feedback as the basis for cause challenges and/or peremptory strikes.

1. **Ask direct questions.** For example, “How many of you followed the recent public discussions about corporate accountability?”
2. **Probe online influences.** Inquire about jurors’ social media habits or engagement with viral discussions to uncover exposure to anti-corporate narratives.
3. **Ask about the public discourse.** Present scenarios that mirror public frustrations with the healthcare industry and ask prospective jurors the extent to which they agree or disagree with common attitudes.

For example: “There was a lot of publicity and social media discourse regarding the murder of the UnitedHealthcare CEO. Does anyone remember that? I saw a lot of sentiment in support of Luigi Mangioni. Who shared some of that sentiment? Raise your hand if you thought the backlash was warranted. Tell me about that.”

4. **Assess emotional intensity.** Jurors who not only have a negative view of corporations but also react especially negatively to questions linked to corporate attitudes—such as questions about executive compensation or corporate ethics—may present particular

risks to corporate defendants. Such jurors are likely to come in with biases that predispose them against the defendant regardless of the evidence and encourage inflated damages amounts.

- 5. Conduct social media searches.** Especially for jurors who remain uncomfortable sharing in a courtroom setting, or who try to hide their biases, attorneys can uncover potential juror biases by looking at their social media profiles. With so much of the discourse about the Thompson shooting occurring online, these profiles can provide a critical look at jurors' case-relevant attitudes.

Presenting at Trial

Overall, the anti-corporate trend aligns with an emerging perspective that individuals increasingly are influenced by societal narratives, perceive legal matters as a battle between good and evil, and rely on senses of justice and fairness over strict adherence to legal standards.^{viii,ix}

Defense counsel cannot fully eradicate anti-corporate bias from a jury, so beyond voir dire, they will need to supply jurors in advance with the tools to argue the defense case and avoid anti-corporate rabbit holes. Below are examples of effective approaches.



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- 1. Acknowledge public frustrations.** Recognizing systemic challenges without admitting fault can build credibility with jurors. For example, a healthcare corporation representative might acknowledge, "We understand the challenges people face with insurance and agree there is still a lot that still needs to be done to better communicate with the public."
- 2. Set "this case" apart from the "large corporation" zeitgeist.** Take an opportunity to refocus jurors on alternative framings. Remind them it is okay to feel skeptical of corporations, but the evidence will show that this corporation conducted itself properly in *this* case. Reframe the case toward the perspective of a party appearing in court to protect itself against false accusations.
- 3. Humanize the corporation.** Highlight employees, community initiatives, and ethical practices to counteract perceptions of corporate greed. Stress the ways in which the defendant might set itself apart from jurors' anti-corporate assumptions—the ways *this* corporation goes above and beyond. Consider a strategy where multiple different people can represent the face of the corporation.
- 4. Focus on facts.** Use clear, data-driven evidence to keep deliberations grounded in the specifics of the case, preventing jurors from viewing the case as an opportunity to try to "right" society's wrongs.

Broader Implications for Other Industries

While the healthcare industry bears the brunt of public scrutiny due to its life-and-death stakes, the anti-corporate sentiment highlighted by recent events reflects a societal trend that extends beyond healthcare. Companies across various sectors should be vigilant about how such sentiment might impact their operations, public reputation, and legal risks.

Technology and Finance

These industries face significant public scrutiny for issues like data privacy, algorithmic bias, monopolistic practices, and wealth inequality. Frustrations in these sectors often lead to heightened regulatory pressures, consumer advocacy, and class-action lawsuits, which can be exacerbated by anti-corporate narratives framing companies as exploitative or unaccountable.

Social Media

Public dissatisfaction with social media companies, fueled by high-profile controversies and negative perceptions of their leadership, makes these platforms increasingly vulnerable to lawsuits. Cases related to user harm, content moderation, and algorithmic manipulation are often amplified by public sentiment that portrays these platforms and their executives as prioritizing profit over societal well-being. This growing backlash can shape juror attitudes and influence litigation outcomes against these companies.

Professional Liability

Public distrust of corporate entities increasingly extends to professionals like lawyers, accountants, and executives accused of misconduct or negligence. The rise in professional liability cases reflects societal expectations of higher accountability among corporate leaders and advisors, with opposing counsel sometimes leveraging anti-corporate sentiment to sway juries.

Employment

Employee lawsuits involving wage theft, discrimination, retaliation, wrongful termination, or workplace safety are fertile ground for anti-corporate sentiment. Cases framed as “David vs. Goliath” battles between vulnerable workers and large, impersonal corporations resonate deeply with jurors, particularly in an era of heightened awareness around labor rights and deepening income inequality.

In Conclusion

Corporations across sectors should take care not to oversimplify when interpreting the public response to Brian Thompson’s killing: anti-corporate sentiment is widespread, and it is not confined to healthcare. Companies must recognize the increasing influence of public opinion on litigation dynamics and proactively address these challenges. Inside and outside of the

courtroom, they would do well to emphasize ethical practices, transparent communication, and fairness. And, of course, since anti-corporate jurors appear to have found an intensified desire to make their anger heard, encourage them to do it when it matters most in terms of achieving a just result: voir dire.

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