



The Power of Analogies in Securities Litigation

In high-stakes securities litigation, trial teams often find themselves at a crossroads—how do you present intricate financial concepts to a jury that may have little to no background with the industry and relevant laws? The risk is clear: jurors cannot rule in your favor if they do not understand your narrative. Strategically using themes, analogies, and visuals can make or break your case.

At IMS, our team specializes in bridging this critical communication gap. Senior Jury Consulting Advisor Chris Dominic had the opportunity to sit down with Trial Consultant Michelle Cooper, Esq. to discuss how trial lawyers can use storytelling tools to make even the most technical securities cases both accessible and memorable to juries.

Making the Complex Simple

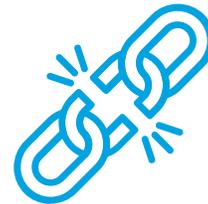
As a former securities fraud litigator, Michelle Cooper knows firsthand how challenging it is to translate legal arguments into something a jury can emotionally and logically follow. Her pivot to visual advocacy came from a desire to make courtroom presentations more creative and effective. Chris Dominic echoed this sentiment, emphasizing that while securities cases are rooted in law and numbers, jurors need relatable, real-world comparisons to engage fully.

That is where analogies come in. From “cherry-picking evidence” to “tightrope-walking investors,” analogies provide jurors with mental shortcuts that make complex claims digestible. On the plaintiff side, themes of trust and betrayal resonate strongly, while the defense might rely on reasonableness and business judgment. Both sides benefit from relatable visual metaphors, such as two identical gift boxes, one filled with value and the other empty, to illustrate concepts like misrepresentation or broken promises.

Using Themes That Resonate

Chris and Michelle explain how aligning visual storytelling with legal themes increases cohesion and clarity. For plaintiffs, a “broken promises” theme tied to breach of fiduciary duty can help jurors grasp otherwise abstract legal responsibilities. On the defense side, visual aids illustrating buyer’s remorse or hindsight bias allow attorneys to challenge overly simplistic assumptions of liability.

When it comes to loss causation—a concept often lost on jurors—visual analogies like a broken bridge, a falling domino, or a weak chain link can drive home the necessity of proving more than just harm. As both consultants pointed out, these analogies often surface in jurors’ notes and drawings, meaning they are doing advocacy work even after counsel has stepped away.



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Addressing Corporate Distrust

One of the defining challenges in today’s courtroom is the growing skepticism jurors hold toward large corporations. As Michelle noted, there is a prevailing “profits over people” mindset, which can predispose jurors to sympathize with plaintiffs. The anti-corporate sentiment transcends public liability cases to impact securities matters involving public companies.

Chris reinforced this shift, explaining that trial strategy has evolved in response. Rather than trying to convince jurors that a company is benevolent, legal teams are better served by contextualizing business decisions and demonstrating how alleged misconduct ultimately harms the company’s own interests.

This approach reframes the narrative to align with jurors’ expectations and underscores the practical consequences of corporate behavior, an increasingly vital tactic in an era of declining institutional trust.

Gaining the Visual Advantage

Chris and Michelle also agreed that no securities case should go to trial without a visual timeline. “Every time we do a mock trial and there isn’t a timeline,” Chris noted, “some juror says, ‘I really needed a timeline.’” Timelines help jurors anchor key facts in a logical sequence and can make causation clear, such as illustrating if stock prices dropped after misleading statements were made. Additional visuals—like comparative damage graphics or stacks of

cash—help quantify losses, while side-by-side comparisons of promised vs. delivered outcomes can be used to underscore deception or support reasonable actions.

Michelle also emphasizes that jurors are rarely swayed by spreadsheets, but they do remember a compelling image, analogy, or theme. These mental anchors become tools for jurors to use during deliberations, turning passive observers into strong advocates.

Elevating Your Strategy with IMS

Securities cases are rarely won on facts alone—they require a story that resonates. Whether you are defending a Fortune 100 company or advocating for shareholders, IMS consultants help you translate complex data into visual narratives that connect with juries on a human level.

Contact our team today to learn more about how IMS can support your securities litigation strategy with jury consulting and visual advocacy expertise.

IMS Legal Strategies serves trusted law firms and corporations worldwide to elevate strategies and protect reputations. IMS provides comprehensive solutions for complex legal and business matters, including specialized advisory and analytical support, global expert witness services, data-driven litigation consulting, powerful visual advocacy, and flawless presentation technology. As a strategic partner for the full case lifecycle, we work collaboratively with clients to uncover and analyze core arguments, develop a strong story around key themes, and deliver compelling presentations that reinforce the narrative.

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