



Defending Goliath in Commercial Disputes

Corporate defendants often begin a trial cast as “Goliath,” facing jurors who may already be skeptical of large companies and their motives. The challenge is not simply to rebut plaintiff claims but to establish credibility, trust, and a narrative that resonates on a human level.

This issue was at the center of a recent conversation between IMS Senior Jury Consulting Advisor Chris Dominic and experienced trial attorney William Toles of Munch Hardt Kopf & Harr. They explored what it takes to defend corporate clients in high-stakes commercial disputes, from early trial preparation to witness development and authentic courtroom presence.

Leading with Humanity

One of the earliest strategic decisions in defending a corporate client is determining how the story will be told. For William, that decision is shaped by his background outside of traditional commercial litigation. “I got my start trying cases as assistant city attorney in Dallas, then moved on to personal injury, primarily on the defense side,” he explained. “With that background, you look at cases a little differently. There’s a humanistic approach you don’t always see in commercial cases.”

That perspective came into play during a past IMS trial strategy session. Chris noted that William did not need convincing to avoid what jurors often perceive as empty corporate messaging. “We were working for the Goliath in our David versus Goliath,” Chris said. “I didn’t have to have the same conversation that I do with some people, which is ‘we need to skip the corporate commercial because it hurts credibility.’”

Emphasizing humanity over polished “corporate speak” helps defense teams meet jurors where they already are, rather than trying to talk them out of their skepticism. By prioritizing credibility, plainspoken storytelling, and real-world context, trial teams are better positioned to counter anti-corporate bias and build trust from the very beginning of the case.

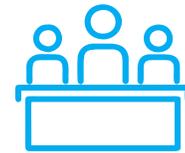
Using Mock Trials to Test Narratives

Mock trials play a critical role in refining that approach. Rather than confirming assumptions, they are designed to challenge them. William shared, “When I get a case, my thought is always, ‘What’s it going to look like if you try this?’” He highlighted the importance of visualizing the pros and cons instead of just going through the motions.

During a mock trial conducted with Chris and his IMS jury consulting colleagues, William intentionally argued from the opposing perspective, leaning into a “profits over people” theme to test the defense narrative. The exercise exposed risks that might otherwise have surfaced too late, particularly around witness perception.

One witness was considered trustworthy but not likable—a distinction that mattered. As William emphasized, “Credibility is very important. If a jury doesn’t like a witness, that’s obviously not good. What can I do to counterbalance the perceived negatives?”

In this case, mock jury feedback allowed his team to identify specific deficiencies and address them well before trial through witness preparation and strategic narrative refinement. “Instead of being someone who’s been involved for years, you get a group of people who know nothing about the case or the individual,” William said. “Do they get a good vibe or a bad vibe? It’s very helpful.”



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Working Together to Tell a Relatable Story

Another critical component of defending corporate clients is alignment with in-house counsel. For William, the collaboration goes far beyond understanding legal positions to truly grasping the company’s story, brand, and values.

William also described how direct exposure to a client’s workforce and day-to-day operations gives trial teams insight they cannot gain from documents alone. That understanding makes it possible to present a corporate narrative that feels grounded, authentic, and credible to jurors.

“When you see those things firsthand, it allows you to create a narrative, so the jury isn’t just thinking, ‘There’s this big corporation, and they’re bad,’” he explained. “It’s, ‘This is what we’re about and what’s important to us.’” This approach helps address a familiar problem in corporate defense by showing jurors a company’s values in practice rather than asking for acceptance at face value.

Adding Authenticity to Trial Strategy

Style matters in the courtroom, but only when it reinforces substance. For William, effectiveness comes from authenticity rather than performance: just being human and trying to relate to the jury. He emphasized that jurors are usually good judges of character and quick to spot insincerity from attorneys. “They pick up on everything. You have to remember that.”

William also notices courtroom nuances, having observed several trial lawyers over the years and borrowed techniques to refine his own presentation style. He has realized that the little things matter—reading your jury, getting eye contact, trying to connect—but you can only be who you are.

For Chris, that mindset underscores an important takeaway for trial teams at every stage of their careers: learning never stops. “Regardless of where you are in your career, you can always learn something,” he said, further emphasizing that continuous growth is essential to effective trial preparation and performance.

Reframe Goliath with a Credible Narrative

Defending corporate clients in commercial disputes requires more than strong legal arguments. It calls for strategic storytelling and a clear understanding of how jurors perceive the case. By using early mock trial data, collaborating with in-house counsel, and prioritizing authenticity over performance, defense teams can replace the “Goliath” narrative with one that feels grounded, credible, and relatable.

With more than three decades of experience supporting trial teams in high-stakes commercial matters, IMS Legal Strategies helps clients test narratives, prepare witnesses, and build strategies that resonate with real jurors. Visit imslegal.com to learn how IMS can support your next case.

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