

Meeting Jurors Where They Are: Effective Trial Communication

Complex cases can lose their persuasive force when jurors struggle to follow the evidence, trust the witnesses, or connect the facts to a consistent narrative. As discussed in a recent IMS Elevate interview, effective trial communication requires attorneys to meet jurors where they are by presenting information in a conversational manner, addressing difficult facts candidly, and reinforcing a focused theme from the opening statement through deliberations. The following strategies can help attorneys build and present stronger cases that speak to today's juries.

1) Keep Juror Perspectives in Mind from the Start

Attorneys can lose control of the case narrative when they communicate from their own perspective rather than the jury's. Legal teams may understand the facts, terminology, and procedural history, but jurors encounter the case without that foundation.

Maggie Mendenhall Casey, Deputy General Counsel for the City of Chicago, emphasizes that attorneys must adapt the presentation to the audience: "It should be conversational. It should be clear. And when you're not being clear, you're not doing your job because your job is to meet the jurors where they're at. They're not supposed to meet you where you're at."

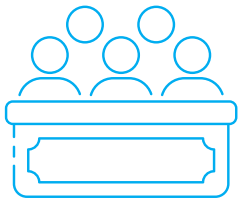
A conversational approach does not mean oversimplifying the evidence; it involves removing unnecessary barriers that prevent jurors from identifying the point. Trial teams should consider not only whether an argument is accurate, but also whether jurors can understand, remember, and explain it to others.

2) Build Credibility Before Presenting Evidence

Jurors do not evaluate testimony in isolation. They also consider whether a witness appears reliable, genuine, and willing to help them understand the subject. According to Maggie,

jurors ask two fundamental questions, in order of importance: "First of all, do I believe that this person is credible? And second, do I like that person?"

Credibility is especially important for expert witnesses. Attorneys may want an expert's testimony to support a particular case strategy, but pushing an expert beyond an opinion that the expert can comfortably defend may create problems on the stand. "If you start pushing your expert too hard, it's going to come across with the jury," Maggie explains.



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Effective witness preparation should help experts communicate authentic opinions in an accessible way. Experts can demonstrate command of their subjects without speaking down to jurors by defining unfamiliar concepts, responding directly to questions, and explaining how they reached their conclusions.

Witnesses and attorneys can weaken their credibility by disputing facts that the evidentiary record makes difficult to deny. According to Maggie, "The more that you fight over things that are very clear in the record, the less credibility you have, and you bring attention to the bad facts."

Acknowledging an unfavorable fact does not require conceding the case. It can demonstrate candor and redirect attention toward the questions the jury must decide. As IMS Senior Jury Consulting Advisor Keith Pounds, PhD, observes, "Really embracing and accepting what is actually there is a way to enhance your credibility," even when doing so may initially feel uncomfortable to the witness.

3) Carry a Consistent Trial Theme from Opening Through Closing

A trial theme gives jurors an organizing principle for the evidence and language they can carry into deliberations. Maggie recommends introducing that theme immediately: "The first thing, in my opinion, that you should be saying to the jurors after you introduce yourself is whatever you want the jurors to go back to the verdict room and be thinking about."

That theme should connect the opening statement, witness examinations, demonstratives, and the closing argument. Each stage should reinforce the central idea without sounding repetitive or artificial.

An effective opening provides a concise, fact-based framework for the evidence that follows. Plaintiffs should avoid minimizing weaknesses in a way that allows the defense to undermine their credibility. Defense teams should not promise evidence that may never reach the jury.

"Don't overpromise," Maggie advises. "Make sure you stay to your theme and be concise while highlighting the important and good evidence for you."

By the closing arguments, jurors may have listened to days or weeks of evidence. Counsel should begin with substance and reconnect the evidence to the theme established at the start of the trial. "Start out with something that's going to capture their attention and bring them into your closing argument," Maggie says. The closing should identify the evidence that matters most and give jurors a practical path through the questions they must resolve.

4) Use Demonstratives and Analogies with Purpose

Demonstratives can help jurors organize evidence, understand a technical process, compare competing positions, or reconnect with a central argument. Their effectiveness, however, depends on strategic use. Maggie encourages attorneys to vary their presentation methods rather than relying exclusively on slides. Keith agrees that this approach can support retention: "Getting the message in multiple modes can be so effective in making it memorable for the jury."

Regardless of format, each visual should make the argument easier to follow. Attorneys should also remain mindful of length. As Maggie notes, "Lawyers love to talk. But keep in mind, the jurors don't. So be respectful of their time."

Analogies can translate unfamiliar concepts into recognizable ones, but strained comparisons may create more confusion. "A good analogy shouldn't be clunky," Maggie says. "The idea is that you're supposed to be simplifying a concept, not making it more complex." An analogy is more likely to resonate when it sounds natural to the attorney or witness. It should clarify the concept, reflect the speaker's personality, and preserve the seriousness of the matter.

Trial teams should assess whether an analogy could distract from the facts or introduce sensitive associations. Maggie cautions against courtroom analogies involving race, gender, or sexuality and advises against using them primarily to generate humor in serious cases. Jury research can help determine whether a proposed analogy communicates the intended idea or introduces interpretations the trial team did not anticipate.

5) Reduce Guesswork with Mock Jury Research

Verdicts and settlements from comparable matters may provide context, but they do not necessarily predict how jurors will respond to the specific facts, witnesses, and arguments in another case. Comparable matters may also be limited in complex, high-exposure litigation. "Mock jury research is invaluable for me because it really takes out the guesswork," Maggie says.

Mock trials can reveal where jurors become confused, which witnesses or facts shape their reactions, and whether the proposed theme gives them a workable way to organize the evidence. Mock jury research is most useful when counsel treats it as an opportunity to test the case rather than to validate a preferred approach. Findings may inform witness preparation, argument development, demonstrative design, and staffing.

Maggie uses jury research to identify "what are the real issues that the jurors are focusing on" and where the trial team must be particularly strong. Keith notes that this type of feedback can provide meaningful insights for counsel: "We do a lot of mock jury research, and we're big believers in being able to provide that kind of information for our clients."

Unexpected juror reactions may expose weaknesses, but they also give the legal team an opportunity to address those vulnerabilities before trial.

6) Develop a Separate Strategy for Damages

A finding of liability does not answer the separate question of value. Jurors may agree that a party bears responsibility while reaching widely different conclusions about appropriate damages. "There's a big difference between being found liable for something and being found liable for $1 million, $5 million, $10 million, and $80 million," Maggie explains. "Those are just two different universes."

Damages arguments should help jurors understand how a proposed amount relates to the evidence. Repeating a figure is not enough. Jurors need a reasoned framework for evaluating their scale and determining what constitutes an appropriate outcome.

For plaintiffs and defendants alike, the challenge is to move beyond an abstract number and provide jurors with a realistic method they can apply during deliberations.

Turning Complexity into Clarity

Jurors cannot evaluate an argument they do not understand, and they may resist one they do not trust. Effective trial communication, therefore, depends on clarity, credibility, consistency, and respect for the jury's time.

Attorneys can strengthen their presentations by speaking in a conversational tone, addressing difficult facts, maintaining a focused theme, preparing witnesses to communicate authentically, and using demonstratives and analogies



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purposefully. Jury research can further reveal how jurors interpret the case, where the narrative loses force, and which issues require greater attention before trial.

The goal is not to remove complexity from litigation, but rather to organize and communicate that complexity in a way jurors can understand, remember, and apply.

Strengthening Trial Communication Through Preparation

The most effective trial communicators do not rely on courtroom performance alone. They prepare early, test assumptions, refine themes, and ensure that witnesses, demonstratives, and damages arguments work together to support a clear and credible narrative. By evaluating communication strategies before trial, attorneys can improve juror understanding and strengthen the overall presentation of their case.

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