



# Inside the Jury Room: What Really Drives Verdicts

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- How Jurors Think About Numbers
  - Perceptions of Risk
  - Corporations, Trust, and the “Minimum Standard” Problem
  - 2025 Study: Damages & Today’s Dollar
  - Solutions
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# How Jurors Think About Numbers



# Big Numbers Don't Feel Big

- Scale blindness

\$1  \$5 million

\$10 million  \$25 million

- Large numbers are hard to intuitively understand
  - At higher ranges:
    - Differences blur
    - Precision drops
  - Jurors default to impressions, not math
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- Assign meaning first
- Tie numbers to:
  - Harm
  - Accountability
  - “What matters”

**= The number feels right before it's analyzed**

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- Anchor early in voir dire
- Set a hard anchor in closing
- Tie numbers to:
  - Harm
  - Accountability
  - “What matters”

Juror A: *“What did the plaintiff ask for? \$30 million? That seems high.”*

Juror B: *“I agree – that’s way too high. I saw we cut it down to \$10 million.”*

Juror C: *“\$30 million is definitely too high, but I think \$10 million is too low. How about \$15 million? Then they’re only getting half of what they want.”*

Juror A: *“Yeah, that sounds good.”*

Juror B: *“I can get behind that.”*

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- Set high anchors that don't sound greedy

*"It all seemed hunky-dory and all seemed business as usual. And then we got to punitives. It was quiet for a good five minutes. I said, "I think zero. Punitives are based off of malicious intent, like if X company truly acted with the intent of killing her, then that's punitive." Then someone read the question again and mentioned "fraud" and said "that's what they committed." And then they went back to X company making one-point-something billion while we were in the courtroom. And someone said, "How do you punish a company?" Some girl threw out \$500 million and we said "Holy sh\*t." And one woman said "I think \$3.5 billion." And we think "What the hell; that's asinine." And then somehow it got under one billion to 950 million and then 10 of them said yes. I thought surely the judge would say we can't do that. I don't know the law. I'm a construction superintendent. I surely thought there was a maximum. But they read it; it happened."*

- Rise of Nuclear Verdicts
  - The total gross jury verdicts, nationwide has risen by 66% in the last decade (Sangmin, 2021)
  - A 52% increase in the number of nuclear verdicts from 2023 to 2024 (Amacher, 2025)



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# Perceptions of Risk



**SAFETY  
FIRST**

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- “A moral culture in which people are unwilling to make tradeoffs demanded by other practical and moral concerns. Rather than seeing safety as one concern among many, it becomes *a sacred value*.” (APS, 2020)

## **An Entitlement to Safety**

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# Safetyism Studies

- Risk aversion
- Emotional thinking
- Age
- Safety expectations

*“When I heard they did testing on dogs in the 1930s, that was case closed for me; they’re negligent.”*

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- **Strong** plaintiff predictor
- Prolonged exposure to fear and uncertainty = increased rates of anxiety
- Instability, uncertainty, and insecurity = response to *fear-based messaging*
- “Similarly, today’s adolescents, growing up amid a series of compounded global crises, will likely carry the imprint of this period of heightened fear and uncertainty well into adulthood.”

One recent Gen Z juror: “Punitive damages? Of course! Heck, this should be a criminal case against the executives, not just over money. Send them to prison!”

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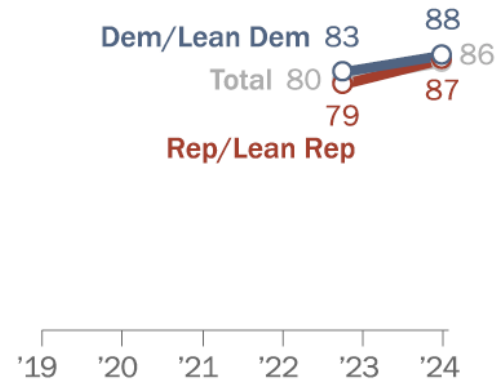
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# Corporations, Trust, and the “Bare Minimum” Problem

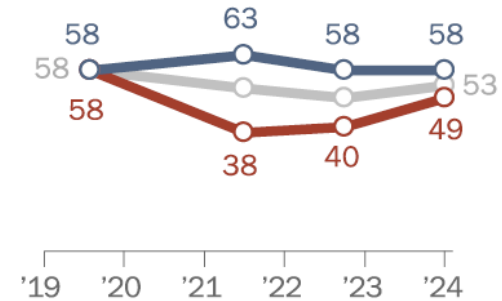
# Views of Corporations

*% who say each of the following has a **positive** effect on the way things are going in the country these days*

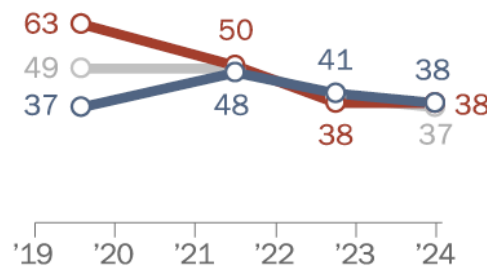
## Small businesses



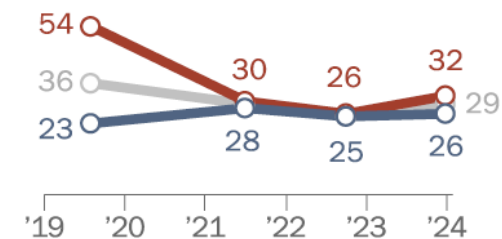
## Technology companies



## Banks and other financial institutions



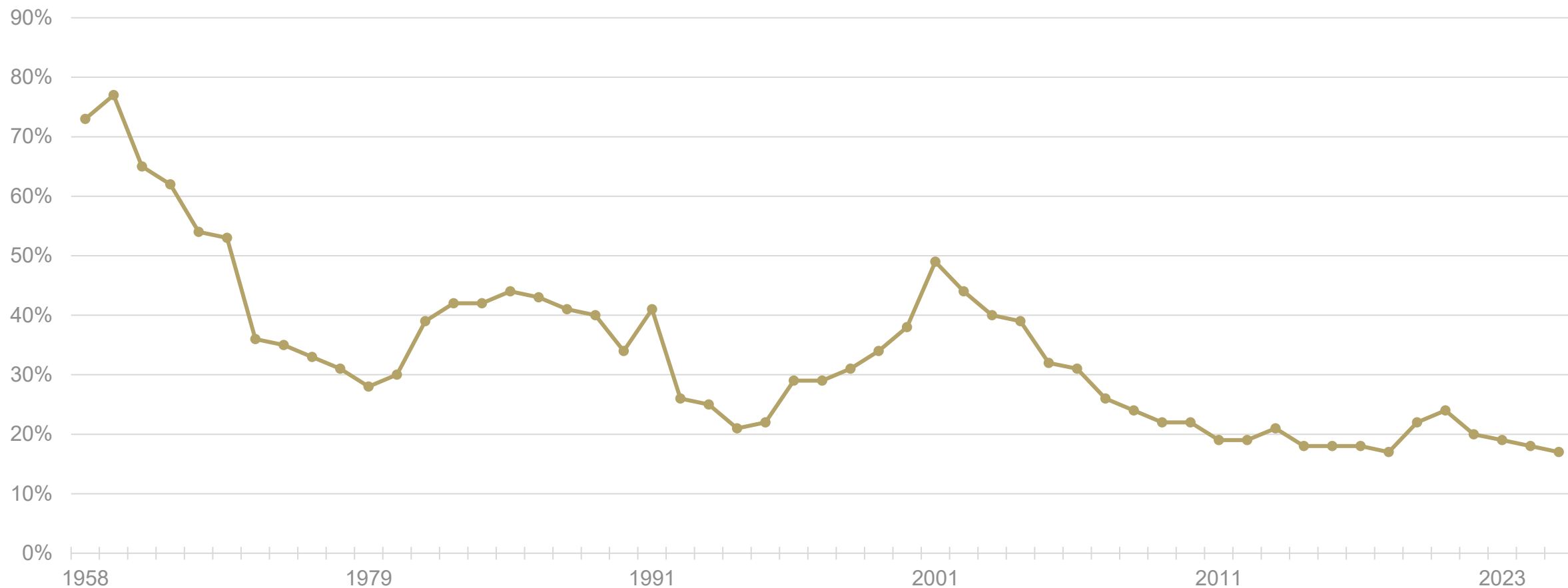
## Large corporations



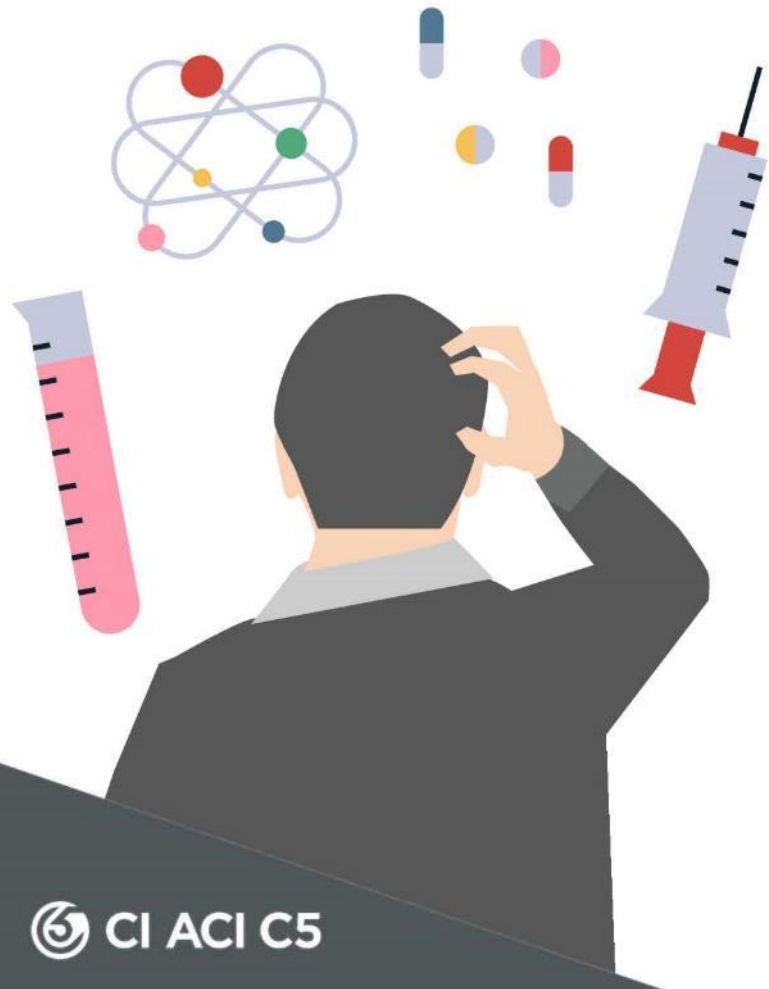
# Trust in Government

## Public trust in government in the United States

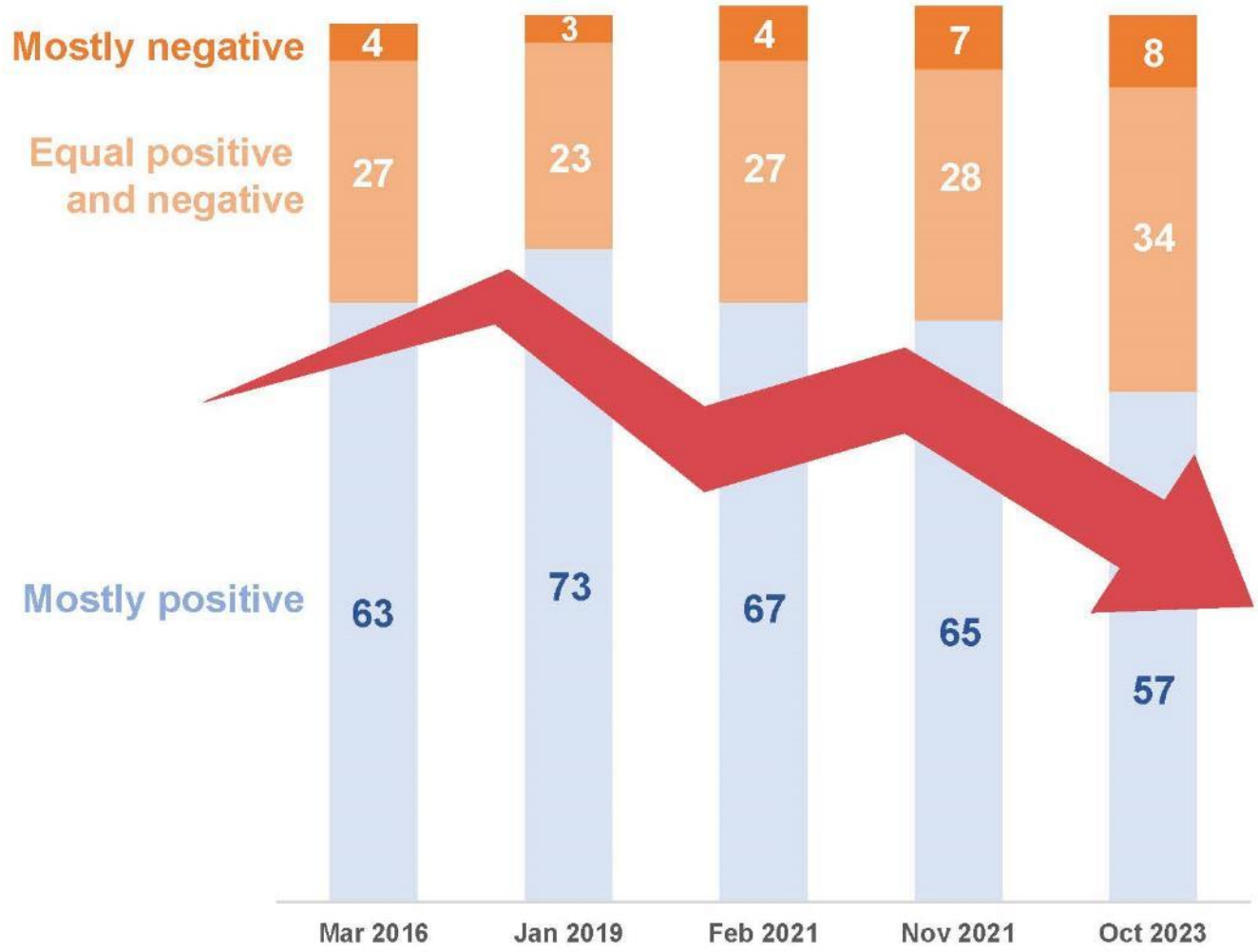
Share who trust the United States government always or most of the time.



# Drop in Confidence in Science



CI ACI C5



Pew Research Center

# Conspiracy Beliefs

- Post-pandemic world has caused an increase in the belief of conspiracy theories (Kuzelewska, et al., 2022)
- Conspiracy-minded people also remain open to additional beliefs (Granados-Samayoa, et al., 2022)
- 62% of the sample believed in at least one of the 10 conspiracies tested



Gen Z Juror:

*“Punitive damages? Of course! Heck, this should be a criminal case against the executives. Send them to jail.”*





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# Damages and Today's Dollar

- Biggest Professional Sports Contract in 2006:
    - 7 years, \$126 million
  - Cost of Chipotle Burrito in 2006:
    - \$5.60
  - Richest Person in 2006:
    - \$53 billion
- Biggest Professional Sports Contract today:
    - 15 years, \$765 million
  - Cost of Chipotle Burrito in 2026:
    - \$13.50
  - Richest Person in 2026:
    - \$839 billion
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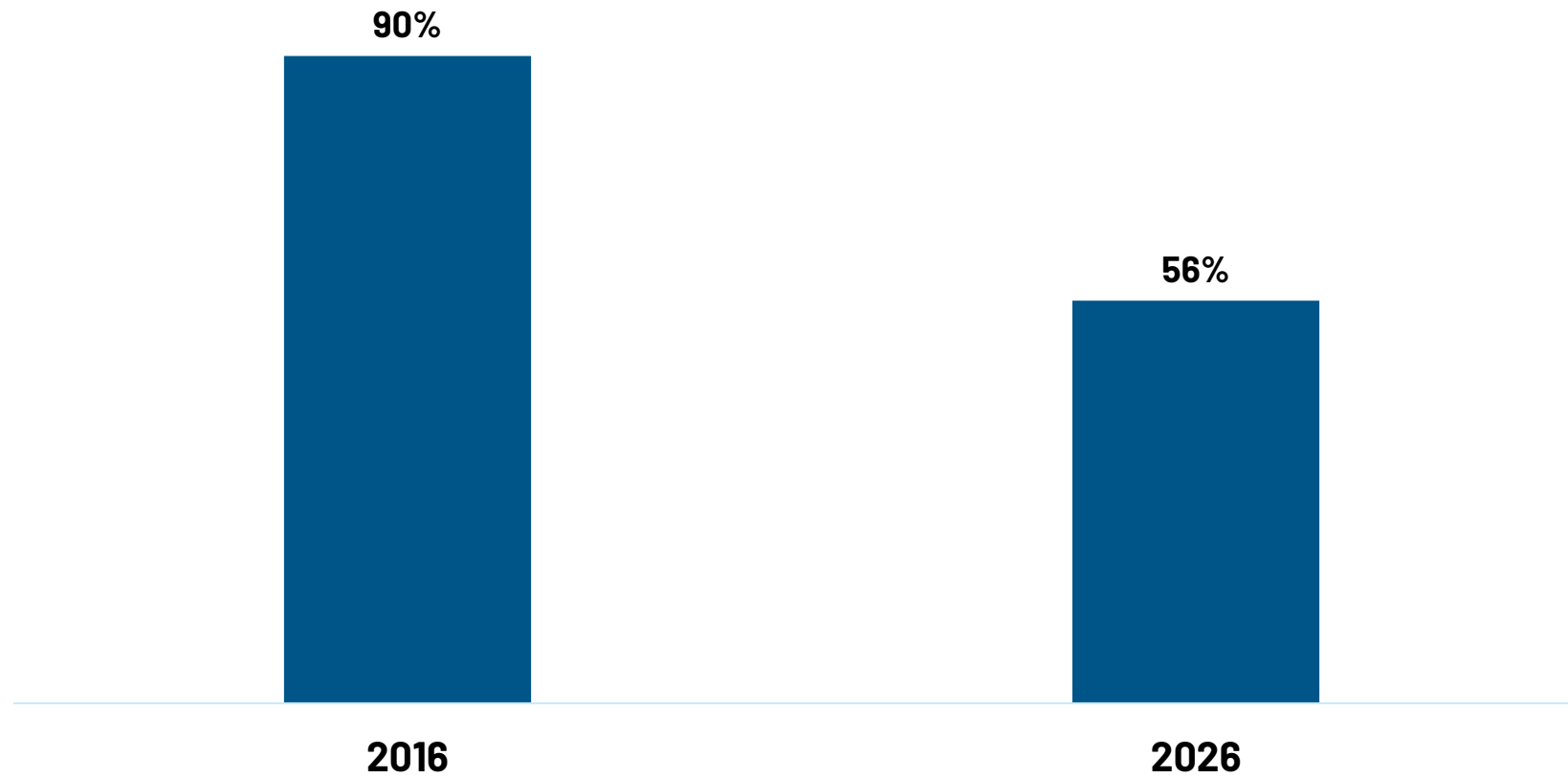
**RECENT RESULT**  
**\$50 MILLION**  
AUSTIN • CORPUS CHRISTI • SAN ANTONIO

**THOMAS J. HENRY**

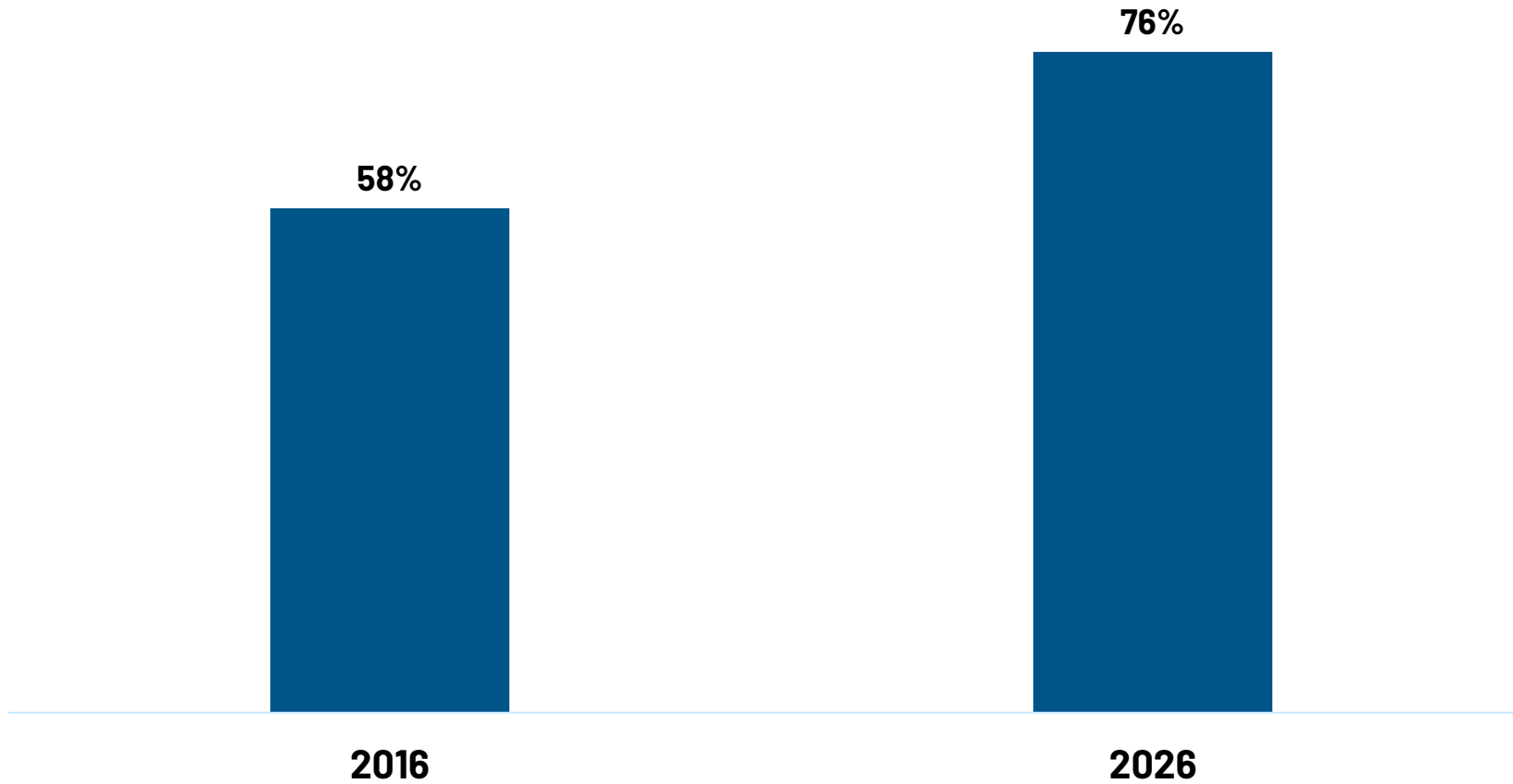
TRUCKING ACCIDENT  
BRAIN INJURY  
**\$27 MILLION**  
NET TO CLIENT

ATTORNEY'S FEES: \$21,000,000  
EXPENSES: \$1,126,381

## There are too many lawsuits in the U.S.

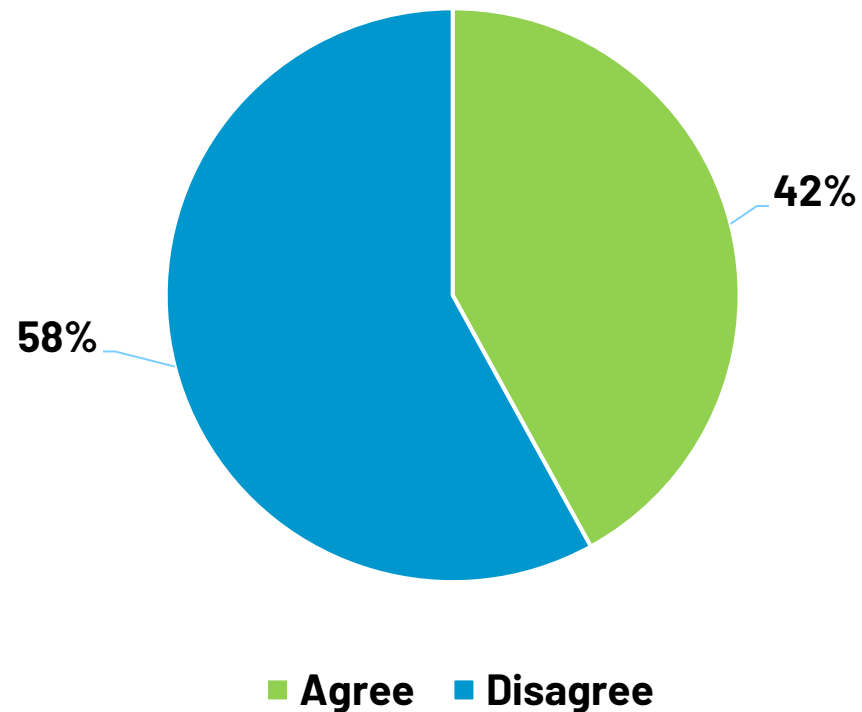


## Damages are "too low" or "just right"

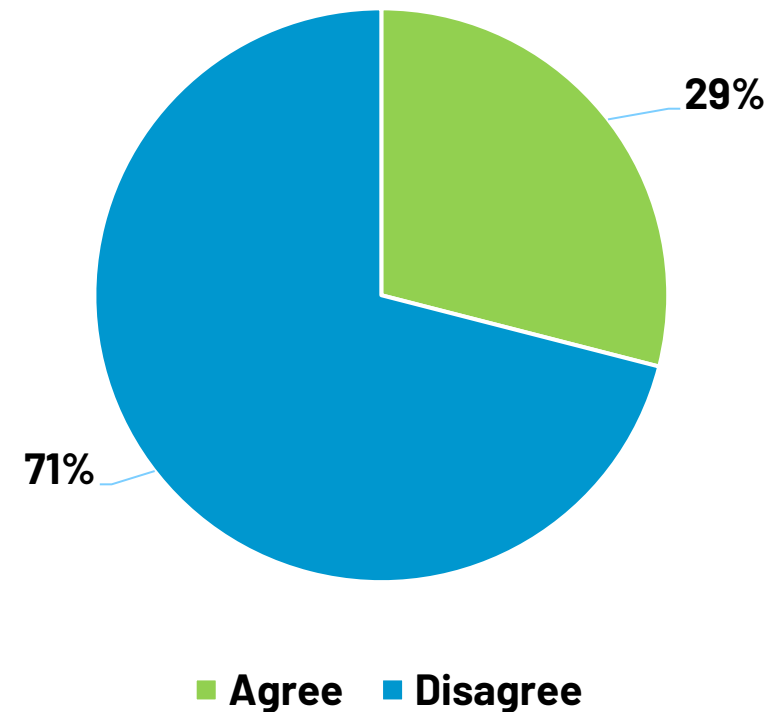


"A \_\_\_\_\_ should pay medical expenses even if it was not directly at fault."

Large Corporation



Small or Medium-Sized Company



- Study with three survey scenarios: premises liability, motor vehicle accident, and product liability
    - Company size
    - Injury severity
    - Anchors
  - Injury severity was the strongest factor – small/medium companies don't avoid large damage awards
-

- Anchoring
  - A \$100 million anchor → *added* \$17 million to average award

- Reliance on gut feelings
  - An expectation that I should be kept safe by anything and anyone
  - Widespread distrust of corporations
  - Desensitivity to large numbers
  - Shorter attention-spans
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# Solutions

- Pre-suit research
- Early narrative development
- Identify bad facts
- Selecting cases to try

# Mock Trial Comparisons

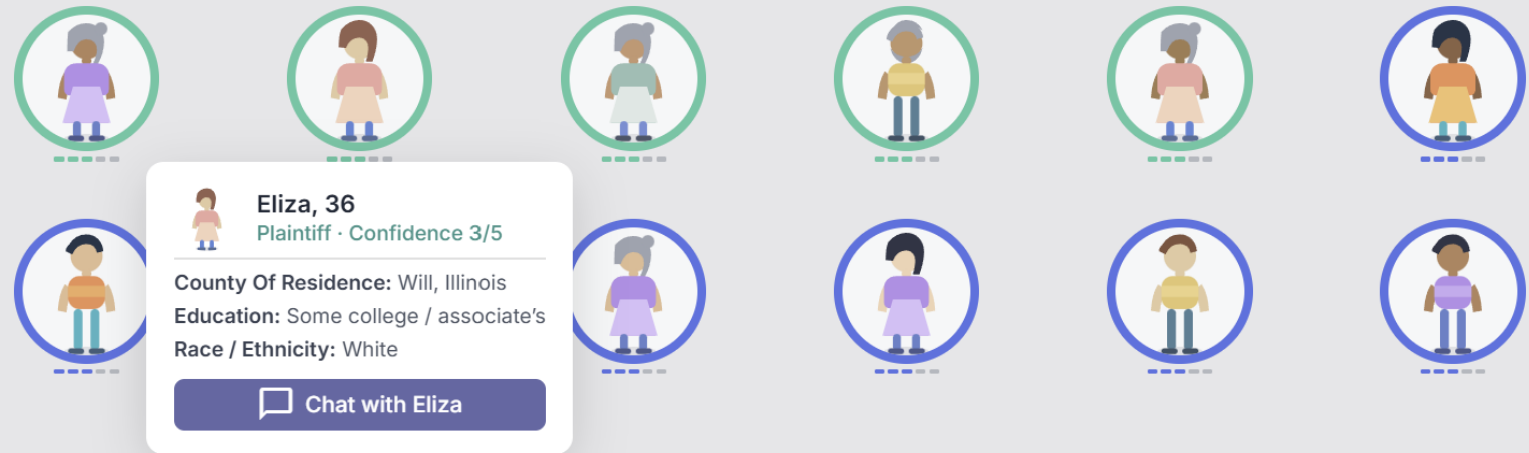
- Three electrocution cases
- Two in Minnesota; One in Michigan
- Two Minnesota cases involved plaintiffs with training in safety near powerlines
- Michigan case involved someone with no such training

	<b>Minnesota</b>	<b>Minnesota</b>	<b>Michigan</b>
Mean Award	\$73M	\$9M	\$0
Median Award	\$50M	\$9.7M	\$0

## Plaintiff Verdict Likelihood: Very Low

The most common outcome is that 5 out of 12 jurors find for the plaintiff.

Based on [running this jury panel 10,000 times](#). A plaintiff verdict requires a majority of the panel to find for the plaintiff.



Juror confidence: 0-5  
Jurors side with: Plaintiff Defendant

### 19%

plaintiff verdict rate ⓘ

### \$3.6M

typical total damages award ⓘ

### 47%

decisive verdicts ⓘ

## Verdict Outcomes

Based on running this jury panel 10,000 times. ©



## Jury vote distribution

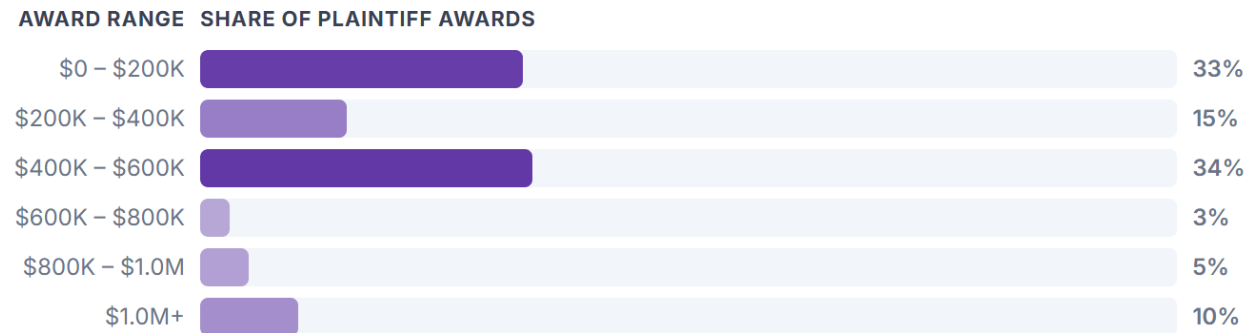


## Financial Exposure

Total damages across all categories when plaintiffs prevail.

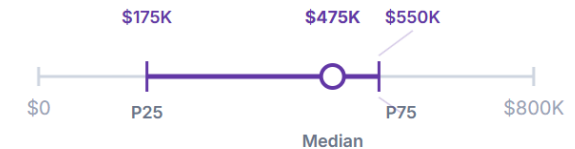
## Damages Distribution

Combined damages across all categories awarded when plaintiffs prevail.



## Award Summary (Plaintiff Wins)

Median award	\$475,000
25th percentile	\$175,000
75th percentile	\$550,000



Most simulated verdicts cluster between \$200K and \$600K, with a median award of roughly \$475K. Awards above \$1.0M appear in a small share of simulations but materially increase overall exposure.



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# What is the Defense Story?





# Counter the “Bare Minimum” Narrative

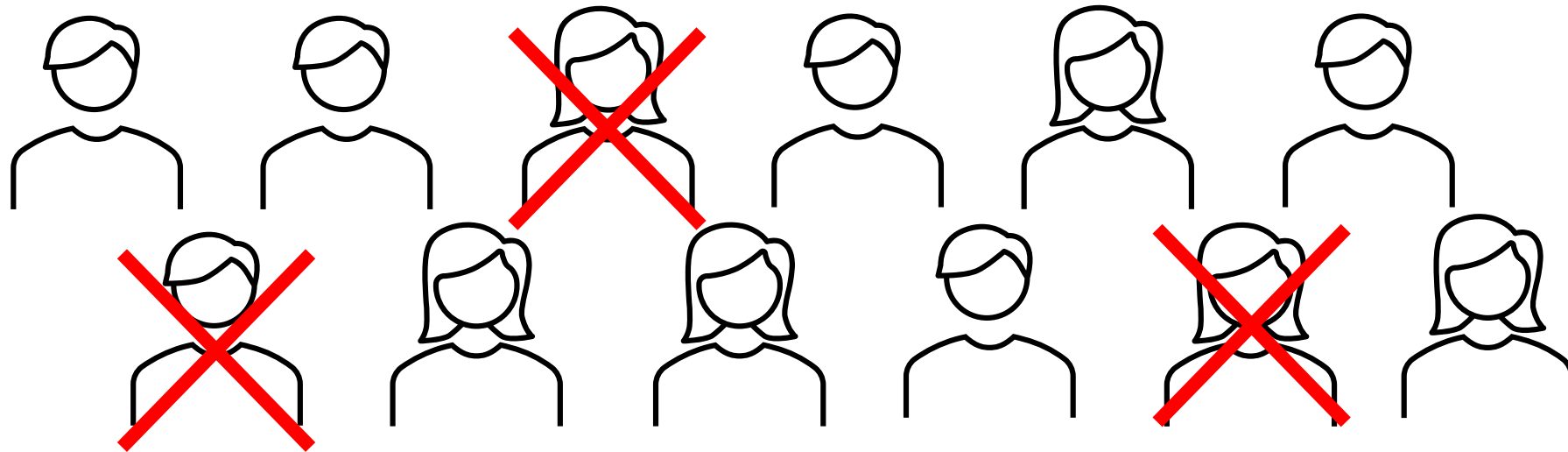


- How did the defendant go “above and beyond?”
  - Document during investigation what the insured did beyond what was required – training records, safety culture, prior correction action, comparisons to industry
  - Identify and address what the insured didn’t do
-

- Selecting counsel for modern jury dynamics
- Craft themes
- Graphics to simplify the story
- Voir dire prep

- Simple + Memorable = Repeatable
  - Avoiding Responsibility Doesn't Shift Responsibility
  - The Dose Makes the Difference
  - Correlation Isn't Causation
  - You Have to Do Your Job to Keep Your Job
  - Taking Charge Means Taking Criticism
  - Probabilities, Not Possibilities
  - Any Driver, Same Result
-

# Solutions: Jury Selection





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Thank you!



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