



What's Your Chorus?

What do Uptown Funk^[1] and The Battle Hymn of the Republic^[2] have in common? Unforgettable choruses. While “Girls hit your hallelujah (ooh)” may not be the moral equivalent of “Glory! Glory! Hallelujah!,” both songs are unforgettable because they have short statements, repeated frequently, that capture the soul of the song.

Popular music is driven by the same characteristics that should be the basis of every case you present to anyone, whether to defense counsel, adjuster, or jury: short statements, repeated frequently, that capture the soul of your case.

In 2015, I conducted 52 interactive focus groups in 5 states and 16 different venues, which means I listened to 200+ hours of real people talking about cases.

A few lessons emerge from every group. Lesson one is that regardless of age, education, career, gender or other metric of the juror: if you want to win your case, the jurors you want to be your advocate in the jury room need a short statement, repeated frequently, that captures the soul of your case.

In the course of my career, I have done many post-verdict interviews with jurors. While I think there are limits on what you can take away from those interviews (a topic for another day), there is often one thing that stands out between cases that were won and cases that were lost. In the cases that were lost, when I ask “What was the plaintiff’s case about?” I get an awkward silence. In the cases that were won, I hear a chorus.

A chorus is different than a theme. While a theme can be one thought, such as “safety first,” a chorus is more. It is a short statement, repeated frequently, that captures the soul of your case.

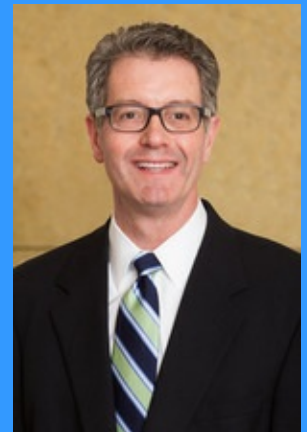
Further, while a theme may be built into your presentation, a chorus is explicit, e.g. “Safe doctors always double-check.” It can be repeated from voir dire forward, and with every witness (“... and why, Ms. Expert, does that matter?” “Because safe doctors always double-check.”)

How many times does a jury need to hear your chorus? A lot. Think of a new song you have begun to hear on the radio. How many times do you have to hear even a well-written chorus before you know it? A lot. Keep in mind, songs are set to music, which the neuroscientists tell us allows the words to imprint on our brains faster than words alone. In addition, most lyrics are in everyday language (Adele will never sing of “non-reassuring fetal heart tones”), and about an expected subject matter with which the audience has some personal experience (pickup trucks and Saturday nights, not “standard of care”).

The highest and best use of focus groups is to help you find a chorus: short statements, repeated frequently, that capture the soul of your case. The most powerful thing you can do in a trial is to repeat back to jurors that which they already believe. When you focus your case, listen! Listen to what emerges as the jury’s short statement that captures the soul of your case. Then run with it!

^[1] The most popular song of 2015; I admit, I had to look it up.

^[2] The most popular patriotic song of all time.



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