

THE LAW VENTURE LETTER

I dropped a \$50k claim on purpose

Why math ruins jury verdicts.

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Early in my career, my formula for case value was simple: more damages thrown at a jury equals a better result.

If a client had \$50,000 in medical bills, I assumed adding those hard economic numbers to our demand automatically raised the floor of the case. After all, \$50,000 in bills *plus* human suffering felt like simple addition.

The problem was that the \$50,000 in economics only captured a fraction of what happened to my client -- a story, once told, revealed true non-economic damages in the hundred of thousands.

My initial instinct told me that stacking every dollar on the table was logical. But I wanted to know what the behavioral science actually said.

It turns out my logic was completely backwards -- and Mother Teresa explained why decades ago.

"If I look at the mass, I will never act. But if I look at the one, I will."

- Mother Teresa.

Psychologists have since proven what she knew intuitively: the second you push a human brain into a *calculating mindset*, you sacrifice its capacity for empathy.

In trial practice, damages split cleanly into two halves:

- **Economic Damages:** Bills, lost wages, tax returns, life care plans.
- **Non-Economic Damages:** Pain, suffering, mental anguish, loss of enjoyment of life.

Insurance carriers love economic damages because spreadsheets lock a jury into a calculating mindset. When plaintiff lawyers lead with medical multipliers and bill summaries, they unintentionally do the defense's heavy lifting.

Consider a classic behavioral study (by Small, Loewenstein, and Slovic) on charitable giving. Participants received \$5 of real money and were presented with one of two prompts:

- **The Statistical Victim:** Broad data detailing 3 *million* starving children across Africa.
- **The Identifiable Victim:** A single 7-year-old girl named Rokia, accompanied by her photo.

Participants shown the statistical data donated an average of \$1.17. Those shown Rokia's story donated \$2.83 -- **more than double**.

When researches combined them -- presenting Rokia's story followed by the broad statistics -- donations dropped to \$1.43. Adding cold numbers to a human narrative didn't build value; it diluted it.

Then came the crucial test: **mindset priming**.

In another round of tests, before asking for donations, researchers instructed one group to answer five simple math problems (e.g., "If an object travels at 5 feet per minute, how many feet does it travel in 360 seconds?").

The results were stark:

- **Math Priming:** Solving simple, unrelated math problems before hearing Rokia's story tanked donations to the lowest levels in the study.
- **Feeling Priming:** Answering emotion-based questions (e.g., "What do you feel when you hear the word 'baby'?") sent donations for Rokia through the roof.

Solving basic arithmetic flipped the brain out of a **feeling mindset** and into a **calculating mindset**, shutting down its capacity to empathize.

To be clear, this isn't a matter of manipulation or legal sleight of hand. It is about optimizing your client's case so the jury doesn't put up invisible walls they aren't even aware of. When a jury gets trapped in a calculating mindset, cognitive barriers go up automatically. Your job as a trial lawyers isn't to trick anyone -- it's to remove friction so the *true* human story can be heard.

Imagine taking a friend to a high-end Italian restaurant. The lighting, music, and decor scream authentic pasta and wine. But when the server hands you the menu, it's exclusively Texas bbq.

It feels jarring. Not because bbq is bad, but because the environment primed you for a completely different experience.

When you spend voir dire, opening, and witness examinations focused on numbers, but then try to hit the jury with a plea for human empathy during closing arguments, you run into this restaurant problem. You cannot immerse a jury in an environment of cold calculation and expect them to switch their mindset in a blink. The jury isn't heartless -- they are just locked in the room you built for them.

This is why dropping minor or disputed economic claims can be the ultimate leverage play. Ditching a \$50,000 bill or skipping a contested life care plan deprives the defense of forcing the jury into a spreadsheet audit.

Stories drive verdicts. Numbers kill them.

3 KEY TAKEAWAYS

First, numbers and empathy can't coexist.

Second, take Mother Teresa's advice by narrowing the scope of the story to the individual.

Third, lock in emotional priming early and often.

WHAT'S NEXT?

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Wishing you massive success (on your terms)!

See you next week,

Jarrett Stone
Founder, Law Venture

