ARTICLE

EXPERT STORYTELLING & STORYTELLING EXPERTS: WHY YOU SHOULD USE SCIENTIFIC STORIES IN THE COURTROOM

Nick Brown[*]

Legal storytelling is as old as the legal profession itself. Teachers from Aristotle to Quintilian taught students that the key to courtroom victory rests with the mastery of storytelling.[1] Storytelling is now considered so effective at convincing jurors that, in the twentieth century alone, it has spawned thousands of law review articles, hundreds of books, and countless advocacy courses in law schools across the country.[2]

I thus found it surprising when, in the first trial I observed that turned on highly technical evidence, the lawyers presented

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* Law Clerk to the Honorable Gregg Costa, U.S. Court of Appeals for the Fifth Circuit; 2014 J.D., University of Houston Law Center.

1. Todd Wayne Butler, *Bedeviling Spectacle: Law, Literature, and Early Modern Witchcraft*, 20 YALE J.L. & HUMAN. 111, 113 (2013) (summarizing ancient works and analyzing them in the context of early witchcraft trials).

2. To read just a *few* of the many views on storytelling as lawyers, see, for example, DOMINIC J. GIANNA & LISA A. MARCY, WINNING IN THE BEGINNING BY WINNING THE BEGINNING 129–42 (2013); JIM M. PERDUE, WINNING WITH STORIES USING THE NARRATIVE TO PERSUADE IN TRIALS, SPEECHES & LECTURES (2006); ERIC OLIVER, PERSUASIVE COMMUNICATION: TWENTY-FIVE YEARS OF TEACHING LAWYERS (2009); David J. Dempsey, *Master the Magic of Storytelling*, 29 VT. B.J. & L. DIG. 32 (2003); Tom Galbraith, *Storytelling: The Anecdotal Antidote*, 28 LITIG. 17 (2002); Jeanne M. Kaiser, *When the Truth and the Story Collide: What Legal Writers Can Learn From the Experience of Non-Fiction Writers About the Limits of Legal Storytelling*, 16 J. LEGAL WRITING INST. 163 (2010); Gerald Reading Powell, *Opening Statements: The Art of Storytelling*, 31 STETSON L. REV. 89 (2001); Bret Rappaport, *Tapping the Human Adaptive Origins of Storytelling by Requiring Legal Writing Students to Read a Novel in Order to Appreciate How Character, Setting, Plot, Theme, and Tone (CSPTT) Are as Important as IRAC*, 25 T.M. COOLEY L. REV. 267 (2008); Benjamin Reid, *The Trial Lawyer as Story Teller: Reviving an Ancient Art*, 24 LITIGATION 8 (1998); J. Christopher Rideout, *Storytelling, Narrative Rationality, and Legal Persuasion*, 14 J. LEGAL WRITING INST. 53 (2008); Ruth Anne Robbins, *Harry Potter, Ruby Slippers, and Merlin: Telling the Client's Story Using the Characters and Paradigm of the Archetypal Heroes Journey*, 29 SEATTLE U. L. REV. 767 (2006).

the expert testimony in a confusing and abstract way, devoid of any elements of traditional storytelling. The same occurred in the second trial I observed. And in the third. I saw that pattern repeat itself so many times that I wondered if the legal profession had an endemic problem with presenting expert testimony in an accessible way. And then I stumbled on this testimony from one of the Vioxx trials, allegedly describing the results of a damning study that would win the case:

> A: What Dr. Oaze is trying to say is that there are many conditions out there—diabetes, for example—and the patients end up with thrombi in their limbs, and virtually end up with an amputation in their limbs because blood flow to the limb is impaired. And you should not subject these patients to a Cox-2 inhibitor. So, what he's saying is that we have pathology of the vessels—and prostacyclin biosynthesis is also increased in these conditions. And when making thromboxin, the bodies' own response by counteracting—the body knows you're making too much thromboxin so it makes prostacyclin to maintain the balance—and that's why these patients are fine until you give them a Cox-2 inhibitor. So the study says[,] "The assessment of Cox-2 inhibition on in vivo platelet activation in one of these vessel walls would provide consequences on the effects of prostacyclin in these patients." So the author of this article is a scientist and he's recognizing the potential harm from Cox-2 inhibition. And they're trying to tell the leadership that he has to consider this before they go out and launch these drugs to millions people.[3]

Dry. Confusing. Devoid of emotion. And yet paradigmatic of how many lawyers present expert testimony. While a story would involve characters actively learning facts as they move through a narrative arc, the Vioxx testimony conveyed a passive description of the rules that govern the world. No emotions colored the facts, no interesting details captured the audience's attention, and the science comes off as confusing and wholly inaccessible.

My repeated exposure to such lackluster testimony made me wonder: Do the storytelling lessons at the heart of effective advocacy apply to expert witness testimony, and, if they do, how can an attorney apply those lessons to their expert witness? These questions laid the seeds for this Article. My suspicion was that using the elements of storytelling to present expert testimony would make it more effective. After all, an enormous amount of

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3. Humeston v. Merck, COURTROOM VIEW NETWORK (Sep. 16, 2014), http://cvn.com/sessions/b874b4f745d944a3b78be0f17d9dceaa1d/demo (recording of the testimony of plaintiff witness Benedict Luchessi, located between 20:00 and 25:00).

anecdotal evidence illustrates the explanatory potency of scientific storytelling, just consider the overwhelming success of books like James Watson's *The Double Helix*, magazines like *Wired*, and TV programs like *Nova* and *Cosmos*.[4] However, presenting expert testimony within a story presents a host of challenges. I could justify spending the time to research how to overcome those challenges—but only if my intuition about expert storytelling proved to be more than just a hunch.

So I set out to find concrete evidence about the benefits of storytelling. I soon came upon the research of psychologist Daniel Kahneman and cognitive scientist Amos Tversky, who pioneered research into how humans process information and make decisions.[5] After many studies, they reached the conclusion that people use "heuristics"—mental shortcuts—to evaluate facts. Two heuristics jumped out at me. One, the so-called conjunctive fallacy, tricks people into overestimating the likelihood of facts when linked together. For example, people routinely assigned a higher probability to a prediction that "[a]n earthquake happened in California, causing flooding" than "[f]looding occurred somewhere in the United States," even though the former is necessarily less probable than the latter.[6] The other, known as availability bias, causes people to overestimate the likelihood of events that they can readily imagine. For instance, Americans inundated with local news coverage believe murders happen more often than they actually do.[7]

Kahneman and Tversky's research stood out to me because storytelling—characters encountering facts and events through a causally connected narrative arc—would seem to take advantage

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4. Analysis of *Nova* and *Cosmos* are detailed in JIM HARTZ & RICK CHAPPELL, WORLD'S APART: HOW THE DISTANCE BETWEEN SCIENCE AND JOURNALISM THREATENS AMERICA'S FUTURE (1997), *available at* http://www.firstamendmentcenter.org/madison/wp-content/uploads/2011/03/worldsapart.pdf.

5. *See* Amos Tversky & Daniel Kahneman, *Availability: A Heuristic for Judging Frequency and Probability*, *in* JUDGMENT UNDER UNCERTAINTY: HEURISTICS AND BIASES 163, 175–78 (Daniel Kahneman et al. eds., 1982), *available at* http://people.umass.edu/biep540w/pdf/Tversky%20availability.pdf. For the fascinating story of Daniel Kahneman's background based on interviews with Kahneman, see Oliver Burkeman, *Daniel Kahneman: 'We're Beautiful Devices*,*'* THE GUARDIAN (Nov. 14, 2011), http://www.theguardian.com/science/2011/nov/14/daniel-kahneman-psychologist.

6. NASSIM NICHOLAS TALEB, THE BLACK SWAN 76–77 (2007); *see also* Amos Tversky & Daniel Kahneman, *Extensional Versus Intuitive Reasoning: The Conjunction Fallacy in Probability Judgment*, 90 PSYCH. REV. 293, 307 (1983), *available at* http://psy2.ucsd.edu/~mckenzie/TverskyKahneman1983PsychRev.pdf.

7. *See* Robert A. Mikos, *"Eggshell" Victims, Private Precautions, and the Societal Benefits of Shifting Crime*, 105 MICH. L. REV. 307, 346 (2006) ("[T]he way media portrays crime stories—in both news and entertainment programs—distorts reality. Some studies suggest, for example, that local news broadcasts inflate the audience's fear of crime, because they allocate so much airtime to stories about crime.").

of these heuristics. And unsurprisingly, I found a substantial amount of research that confirmed this conclusion. As one scholar put it, "[P]eople find causal sequences highly compelling and will often judge a representative scenario to be more likely than any of its component events."[8] When the facts of a story mesh together well, people will more likely believe them.[9] And so, "the coherence of the stories determines how much faith we have in them."[10]

These studies compelled me, but doubt lingered. The social science mostly involved easily understandable scenarios that had nothing to do with scientific stories. I needed to dig deeper. I needed to know if something about the human mind made stories universally appealing.

Neuroscience provided the answer—at least insofar as it could. With more than a hundred billion neurons and several hundred trillion synaptic connections, the human brain has unrivaled processing power.[11] But even the human brain can only do so much. And once the brain hits its processing capacity, a person's ability to comprehend new information drops precipitously.[12] This makes efficiency paramount.[13] When fewer resources are required to accomplish one task, the brain has more resources available to accomplish others.[14] Efficiency thus maximizes reasoning and comprehension.[15]

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8. Nancy Kanwisher, *Cognitive Heuristics and American Security Policy*, 33 J. CONFLICT RESOL. 652, 655–56 (1989).

9. Daniel Kahneman, *The Trap of Thinking What We Know*, Speech to the National Academy of Sciences conference: The Science of Science Communication (May 25, 2012). A video is available on a *New York Times* blog at http://dotearth.blogs.nytimes.com/2012/05/25/daniel-kahneman-on-the-trap-of-thinking-that-we-know/?smid=tw-nytimesscience&seid=auto&pagewanted=all.

10. *Id.*

11. René Marois & Jason Ivanoff, *Capacity Limits of Information Processing in the Brain*, 9(6) TRENDS COGNITIVE SCI. 296, 296–97 (2005).

12. *E.g., id.*; Nelson Cowan, *What Are the Differences Between Long-Term, Short-Term, and Working Memory?*, 169 PROGRESS BRAIN RES. 323, 327 (2009), *available at* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2657600/pdf/nihms84208.pdf; Annekatrin Hudjetz & Klaus Oberauer, *The Effects of Processing on Time and Processing Rate on Forgetting in Working Memory: Testing Four Models of the Complex Span Paradigm*, 35(7) MEMORY & COGNITION 1675, 1675–76 (2007), *available at* http://link.springer.com/article/10.3758%2FBF03193501.

13. Aljoscha Neubauer et al., *Intelligence and Individual Differences in Becoming Neurally Efficient*, 116 ACTA PSYCHOLOGICA 55, 68–69, 71 (2004), *available at* http://www.researchgate.net/profile/Roland_Grabner/publication/8594406_Intelligence_and_individual_differences_in_becoming_neurally_efficient/links/54aa535b0cf257a6360d6975.pdf.

14. *Id.* at 56–57. Scientists postulate that an efficient brain uses up less glucose. *Id.*

15. *Id.* In fact, the most "intelligent brains . . . seem to be characterized by a more efficient brain function, indicated by less overall and/or a more focused activation during cognitive activity." *Id.*

Storytelling fosters belief because it takes advantage of that efficiency. When the brain encounters information, it spends resources not only processing the facts but also attempting to fit those facts with other information the brain is also encountering.[16] Narratives linked with logic and a theme make that task easier because the fit is more apparent. That frees up resources for the brain to actually comprehend the facts.[17] The result is improved comprehension and memory, which both lay the foundation for long-term believability.[18]

Relatedly, studies show that stories persuade because they capture attention more effectively than a disjointed set of facts. Attention is the "fuel" that drives changes in belief.[19] And storytelling is an unusually effective way to focus someone's attention on information.[20] We experience this almost every day; while our mind may wander when reading a dull law review article summarizing abstract research, "when we watch a show like *Breaking Bad* or read a novel like *The Hunger Games*, we experience approximately zero daydreams per hour."[21] As any avid watcher of horror movies knows, we can become so absorbed in the reality of a story that it is impossible to turn our attention away.

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16. Michael S. Canninzzaro et al., *Organizational Structure Reduces Processing Load in the Prefrontal Cortex During Discourse Processing of Written Text*, 22(2) PERSP. NEUROPHYSIOLOGY & NEUROGENIC SPEECH & LANGUAGE 67, 68–70 (2012), *available at* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3767190/.

17. Raymond A. Mar, *The Neurophysiology of Narrative: Story Comprehension, Story Production and their Interrelation*, 42 NEUROIMAGE 1414, 1417–18, 1420 (2004) (citing Kai Vogeley et al., *Mind Reading: Neural Mechanisms of Theory of Mind and Self-Perspective*, 14 NEUROIMAGE 170, 176 (2001)), *available at* http://www.yorku.ca/mar/mar%202004_neuropsychology%20of%20narrative.pdf; Cowan, *supra* note 12, at 327. For the RAM comparison, see *People with Lots of Working Memory Are Not Easily Distracted*, SCIENCEDAILY (Aug. 8, 2009), http://www.sciencedaily.com/releases/2009/08/090806141712.htm (quoting University of Oregon Professor Edward Vogel); So-Yeon Kim et al., *Concurrent Working Memory Load Can Reduce Distraction*, 102(45) PROC. NAT'L ACAD. SCI. 16524, 16524–25 (2005). Studies show that people have an innate biological capacity for working memory, and that the way they perceive information matters for how they use the capacity. *See id.*; Kai Vogeley et al., *Mind Reading: Neural Mechanisms of Theory of Mind and Self-Perspective*, 14 NEUROIMAGE 170, 176 (2001); *see also* Arthur Lupia, *Communicating Science in Politicized Environments*, 110 PROC. NAT'L ACAD. SCI. 14048, 14049 (2013)

18. Mar, *supra* note 17, at 1429.

19. Lupia, *supra* note 17, at 14049.

20. Much of this research was succinctly summed up by Jonathan Gottschall in *The Science of Storytelling: How Narrative Cuts Through Distraction Like Nothing Else*, FASTCOMPANY (Oct. 16, 2013), http://www.fastcocreate.com/3020044/the-science-of-storytelling-how-narrative-cuts-through-distraction. Gotschall is a Distinguished Research Fellow at Washington & Jefferson College and received his Ph.D under David Sloan Wilson, an evolutionary biologist and Distinguished Professor at Binghamton University. *Jonathan Gottschall*, RETHINK SCI., http://www.worldsciencefestival.com/participants/jonathan_gottschall/ (last visited Mar. 22, 2015).

21. *Jonathan Gottschall*, *supra* note 20.

These studies satisfied me. While they do not establish that storytelling will work in every environment, or for every kind of story, they at least suggest that storytelling techniques can serve as a powerful tool for presenting expert testimony.[22] But that raised another difficult question: How can lawyers transform boring expert testimony into a story people actually care about?

The current research on expert testimony did not help me answer this question. The literature shows that expert testimony is most effective when it fits within a strong overarching narrative of the case. It also demonstrates that jurors are more likely to believe experts they perceive as trustworthy, well-motivated, consistent, and coherent.[23] But almost every study I read had one crucial shortcoming: How should the expert testimony itself be presented? That is, how does an expert convey the sought after traits?

To start with the obvious, lawyers must jettison their irrational fear of math and science.[24] Stories are designed for the scientifically illiterate; indeed, the very purpose of a scientific story is to explain a complicated idea in a graspable way. Scientifically illiterate lawyers should gravitate *towards* stories because they make technical material more accessible. If lawyers approach such material with the passion that they approach other subjects, they will have little trouble grasping its complexities.

And once they do, they will find a plethora of examples of accessible scientific stories. Picking up an issue of *Wired* and watching an episode of *Cosmos* will go a long way in teaching by example. One of my favorite stories comes from Carl Sagan, who once explained how the ancient Egyptians discovered Earth's shape and then calculated its circumference with stunning accuracy.[25] The story centered on a richly developed character (a scientist) investigating a mystery and finding an astonishing solution. For me, Sagan's story provides a template to use when presenting expert testimony.

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22. *See, e.g.*, Prashant Nair, *Q&A's with Daniel Kahneman*, 110 PROC. NAT'L ACAD. SCI. 13696, 13696 (2013), *available at* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3752209/.

23. These are just a few of the factors shown to influence juror thinking. *See, e.g.*, Sanja Kutnjak Ivkovic & Valerie P. Hans, *Jurors' Evaluations of Expert Testimony: Judging the Messenger and the Message*, 28 L. & SOC. INQUIRY 441, 459 (2003) (providing a helpful chart).

24. *See* Jackson v. Pollion, No. 12-2682, 2013 WL 5778991 (7th Cir. Oct. 28, 2013) (Posner, J.) (describing how many lawyers simply refuse to engage science because they don't understand it).

25. Carl Sagan, *Cosmos: Eratosthenes*, YOUTUBE (Apr. 24, 2009), http://www.youtube.com/watch?v=G8cbIWMv0rI.

Now that I've read quite a bit of scientific journalism and seen even more testimony in the courtroom, I do think that a few traits unite the best scientific stories. The best stories all begin with a single organizing principle asked in the form of a question: "What's the point of the testimony in the grand scheme of things?"[26] The answer comes in a single sentence that fits with the greater meta-narrative of the case. That sentence should come at the beginning of the testimony.[27] It ultimately guides the jury to the big picture, even as smaller details unfold.[28] For example, a defense expert may testify in a products liability case that "The plaintiff's unhealthy lifestyle caused his heart attack, not our drug." From that moment on, the jurors know the purpose of expert's models, studies, and slides.

And then, the testimony should set up the story like an author would set up a mystery novel.[29] First comes the very basic, high-level problem that the expert sets out to solve.[30] This provides a theme of sorts—by showing the jury why the character acts, the juror begins to understand the correlation between the actions and the outcome of those actions.[31] This decreases the chance that jurors will perceive the science as dozens of abstract facts only connected by subject and jargon. To continue with the earlier example, the expert might testify, quite simply, that the cause of the plaintiff's heart problems confounded him. Then, a sense of coherence exists for the expert's testimony related to discovering what caused the problem.

The story itself should mirror the basic plot of a crime-mystery novel. The expert is a detective, now recalling the start of his investigation. The story develops in the same way crime dramas do: with detective work. What the expert did and why. The clues that led to the other clues. The evidence that mounted up and pointed the detective (our expert) to what everyone wanted to know from the very beginning: the answer to the question, "what happened?"—the solution to the expert's inquiry.

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26. *See* Chrissie Giles, *What's the Point of This Story? Handy Tips for Science Writers*, GUARDIAN (May 9, 2011), http://www.theguardian.com/science/2011/may/09/handy-tips-science-writers.

27. *See* Scott E. Sundby, *The Jury as Critic: An Empirical Look at How Capital Juries Perceive Expert and Lay Testimony*, 83 VA. L. REV. 1109, 1179–82 (1997) (explaining the importance of expert testimony fitting in with the other evidence).

28. *See id.* (explaining the importance of the jury understanding fit); Giles, *supra* note 26 (describing the utility of the meta-point to scientific journalism generally).

29. Hugo Gernsback, *How to Write "Science" Stories*, WRITER'S DIG., Feb. 1930, at 27–29, *available at* http://www.depauw.edu/sfs/documents/gernsbac.htm.

30. *See* Stephen H. Schneider, *Both Sides of the Fence*, SCIENTISTS AND JOURNALISTS: REPORTING SCIENCE AS NEWS 215, 215–19 (Sharon M. Friedman et al. eds., 1988).

31. *See* Mo Costandi, *Mo Costandi on Science Writing: A Good Story Conveys Wonderment*, GUARDIAN (Apr. 22, 2011), http://www.theguardian.com/science/2013/apr/22/mo-costandi-science-writing.

The mystery-novel style narrative will, hopefully, convey the power of the expert's conclusion because of the story's depth. But, to accomplish this, the lawyer must chronologically guide the expert. And so long as the expert follows, the lawyer can tell an effective story.

Of course, the meat of the story comes in the technical facts. The most difficult part of an expert's story is knowing what to leave out. Lawyers, perhaps fearful of the expert's subject, tend to err on the side of inclusion. But inclusion causes confusion as jurors become bogged down with facts and lose track of the forest through the trees.[32] Unless necessary to the overall point of the testimony, leave the fact out. In other words, lawyers should apply the "but for" test to each fact.[33] If the point cannot be established but for that particular fact, the expert should discuss it. Otherwise, exclude it; the confusion will far outweigh whatever trivial value that one fact adds.

These structural elements establish the backbone of the story. But lawyers should also not forget to use other techniques that make a story captivating.

For example, character development plays an important role in good stories. Lawyers focus too much on banal background details in the opening portion of direct examination. Establishing a few basic personal details is a useful exercise in humanizing the expert. And credentials are equally important to credibility. But endless questions about unrelated publications, awards, and professorships build a wall of difference between the lay juror and the expert witness that makes the testimony less effective.[34]

Instead, character development should focus on the expert's emotions over the course of the investigation. Emotions should not be the focus of the story, but rather weaved into the facts.[35] Ordinary folks can relate to ordinary emotions because we've all felt them at one time or another. Everyone knows that burning passion, stinging defeat, or sense of utter elation. And a rich expert story demands it. No surprise that studies show jurors believe experts who they perceive as emotionally involved with the subject of their testimony.[36]

And having a hired gun is no excuse to avoid emotions. Perhaps most experts care little about the outcome of a particular

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32. *See* Giles, *supra* note 26.

33. *See id.* (discussing a similar test in the context of journalism).

34. *See* Ivkovic & Hans, *supra* note 23, at 463–64.

35. *See* Brendan Fitzgerald, *Explaining the Inexplicable*, MORNING NEWS, http://www.themorningnews.org/article/explaining-the-inexplicable (last visited Nov. 20, 2013) (describing a similar strategy used by journalists).

36. *See* Ivkovic & Hans, *supra* note 23, at 472.

case. But they undoubtedly have some thoughts and feelings about the countless documents they review. The expert could even exploit that initial detachment. "I did not care, until I saw the data, and now I really believe" is a great story. Subtle emotions are by definition not obvious. It is the job of a skilled lawyer to extract them.

Scene setting can also add tremendous value to a story. This entails having the expert describe where the events and facts unfold as they progress. An image yanks an idea from its platonic form into the real world. Imagery thus mentally transports jurors into the story, making its ideas more accessible. Sensory imagery plays a vital role in all stories, and scientific stories are no different.[37] Of course, relevance objections and time limits may preclude scene setting, but a question or two should suffice. For example, consider describing the actual place where the scientist researched. Perhaps that place is as drab as a tiny, dank room. Or, perhaps it is as glitzy as a window office at a downtown consulting firm. Either way, people can visualize the image of the expert hunched over his paper covered desk, reviewing thousands of documents for hours on end. Maybe, when it all started to come together, the scientist looked out his window over downtown Houston to see the setting sun.[38] Or maybe it happened unexpectedly on a gray, cloudy afternoon. Whatever the scene is, it puts the jurors in the shoes of the expert. And that mental transportation helps the expert's story captivate jurors.[39]

And the lawyer should not forget those little things that make a story richer. Like the subtleties of a beautiful painting, the minutiae of a story transforms it from an intriguing set of facts into a stunning work of art. Experts have long recognized graphics as an important tool for communicating complex ideas.[40] Analogies, metaphors, powerful diction, and captivating language transform a story into an experience. They are especially vital with courtroom scientific stories because jurors understand information better when they can relate to it.[41] For example, comparing quantum cryptography to scrambling eggs, or a beating heart to a power plant, teaches how and why those work.[42] Experts should

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37. Kwan-Liu Ma et al., *Scientific Storytelling Using Visualization* (University of California-Davis, Working Paper), *available at* http://vis.cs.ucdavis.edu/papers/Scientific_Storytelling_CGA.pdf (last visited Nov. 20, 2013).

38. The weather is probably not relevant, and may be excluded. The point is that the scientist should at least try to describe some sensory elements of the scene in which he found himself.

39. *See* Ma, *supra* note 37.

40. *Id.*

41. Fitzgerald, *supra* note 35.

42. *Id.*

pepper these into their stories to translate facts in a way that everyone can understand.

I asked one of my friends—a doctor—to read an initial draft of this Article, and he reacted with surprising skepticism. He explained that scientists often become frustrated when nonscientists create the illusion of a story not initially apparent to the expert.[43] I soon found out that surveys show many complain about the introduction of subjective elements into the facts and resist the flow of the story.[44]

And that's when I realized that letting the expert in on the storytelling strategy is vital to its success. Journalists have encountered the problem regularly and found that experts feel more comfortable with a story when the journalist explains the reason behind scientific storytelling.[45] For example, experts tend to be more willing to concede that science involves subjective elements when they understand that those subjective elements will make for a good story, which will help other people pay attention to the expert's work.[46] Lawyers can use the same technique, and improve their scientific stories in doing so.

I know that not every expert story will prove enticing. Nor will every mystery will seem intriguing. After all, a damages model can only be so interesting. But lawyers must help jurors cross the barrier that separates them from understanding expert testimony. And when jurors feel a sense of deep satisfaction that they understand the expert, lawyers undoubtedly will too. As one ancient proverb put it, "Tell me a fact and I'll learn. Tell me the truth and I'll believe. But tell me a story and it will forever live in my heart."[47]

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43. Schneider, *supra* note 30, at 215–19. For a powerful case against scientific storytelling because it distorts the truth by super-imposing a narrative, see Yarden Katz, *Against Storytelling of Scientific Results*, 10 NATURE METHODS 1043 (2013).

44. Schneider, *supra* note 30, at 215–19.

45. *Id.*

46. *Id.*

47. Michael Ariens, *Teaching American Legal History Through Storytelling*, 53 AM. J. LEGAL HIST. 405, 405 (2013) (quoting an allegedly Native American proverb).