

ARTICLES

# Designing Persuasion: How Design Thinking and AI Can Transform Trial Advocacy

By James Yoon – August 7, 2026

At 10:30 p.m., the trial team's conference room is still lit. Boxes of exhibits line the walls. A draft opening statement sits on the screen. Twenty years ago, the next few hours would have consisted of experienced litigators debating themes, moving paragraphs, and relying on instinct to answer a simple question: *Will a jury believe this?* Today the conversation looks different. Three alternative openings are presented to dozens of AI-generated synthetic jurors. One group finds the technology too complex. Another understands the facts only after a timeline appears. A third is unmoved by the legal arguments but responds strongly to a story about trust. By morning, the lawyers have not merely rewritten their opening—they have learned how different people experience it.

This scene captures one of the most promising developments in modern advocacy. Generative AI is not replacing trial lawyers. It is giving them a laboratory in which to become better advocates. The technology is especially powerful when paired with design thinking, a disciplined approach often associated with [IDEO](#) and [Stanford's d.school](#). The design thinking approach to innovation has transformed product design, engineering, healthcare, and education. Together with AI, design thinking drives innovation in traditional practices such as trials. Design thinking and AI make it possible to improve persuasion through continuous learning and experimentation rather than occasional inspiration.

Although implementations vary, the design thinking framework revolves around five connected activities: Empathize with the people you hope to serve, define the real problem, ideate by exploring many possible solutions, prototype promising approaches, and test them to learn what works. Experienced practitioners know these are not rigid steps but an iterative cycle. Every test produces new insights that deepen empathy and sharpen future designs. The [IDEO blog](#) has numerous examples (and stories) regarding how design thinking has inspired and resulted in new products and services.

Great trial lawyers have always done something remarkably similar. They have tried to understand jurors, isolate the real dispute, brainstorm themes, rehearse openings, and refine arguments based on feedback. Traditionally, however, those skills depended heavily on experience and intuition. Design thinking provides a repeatable process and shared vocabulary that makes the craft more explicit, more teachable, and more collaborative. Generative AI finally makes that process practical at scale.

This iterative cycle is where AI changes the economics of trial preparation. Traditional mock trials remain extraordinarily valuable, but they are expensive and therefore limited. A team might conduct one or two before trial. AI allows dozens of low-cost iterations. Lawyers can test

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alternative graphics, reorder witnesses, shorten arguments, refine analogies, and evaluate different explanations of damages. Every cycle produces additional insight.

Design thinking encourages humility. Every draft is viewed as a prototype rather than a finished masterpiece. Every critique becomes data rather than criticism. The best trial teams become learning organizations, constantly asking what they can improve before stepping into the courtroom. This cultural influence on the trial team may be one of the greatest benefits to advocacy.

This approach also changes how advocacy is taught. Senior trial lawyers possess invaluable judgment earned over decades. Yet intuition is difficult to transfer. Design thinking provides younger lawyers with a common framework for contributing. Instead of saying an opening “doesn't feel right,” the team can ask whether it adequately empathizes with jurors, defines the true problem, explores enough alternatives, builds meaningful prototypes, and tests competing approaches. Craft becomes visible.

None of this diminishes the human dimension of advocacy. Cross-examination still requires courage. Credibility still comes from preparation and integrity. Closing argument still depends on judgment that no algorithm can replicate. AI cannot replace the lawyer standing before twelve citizens asking them to decide a case. It can, however, help that lawyer arrive better prepared than ever before.

The future trial team is likely to include litigators, jury consultants, data specialists, and AI systems working together in a continuous cycle of learning. Opening statements and closing arguments will no longer be viewed as drafts polished through instinct alone. They will become carefully designed experiences informed by empathy, strengthened through experimentation, and refined through repeated testing.

For centuries, advocacy has advanced through mentorship, repetition, and experience. Those traditions remain indispensable. AI does not reduce the art of advocacy. It expands the opportunities to practice it. It allows lawyers to learn faster, explore more creatively, and improve more deliberately.

Design thinking supplies the mindset; generative AI supplies the laboratory. Together they offer the legal profession something rare: a chance not simply to practice law more efficiently but to elevate the quality of advocacy itself. For lawyers committed to mastering their craft, that is an extraordinary opportunity.

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