

Demonstrative Exhibits

The six fundamentals of effectively conveying damages

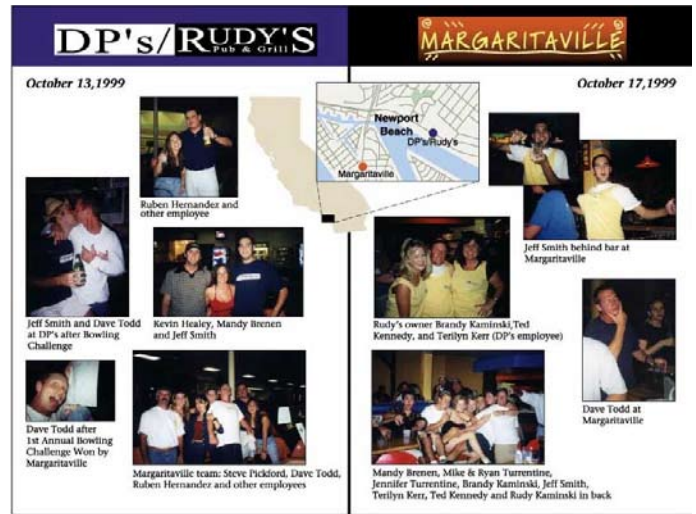
By Rick Kraemer & Alma Hawk

In the last 15 years we have had the opportunity to work with Southern California's most accomplished lawyers, both plaintiff and defense. Good lawyers realize that one of the keys to obtaining a successful verdict is taking the time to prepare the visual presentation of the case. Judges and juries appreciate damages presented in a concise, compelling and visually appealing format. While lawyers are very skilled in verbal argument, jurors as their audience, best absorb information visually.

To effectively convey damages, a presentation should give a clear understanding of who & what was involved, where & when the events happened, and how the injury or series of events could have been prevented. All of this leads us to the why. Why should substantial damages be awarded?

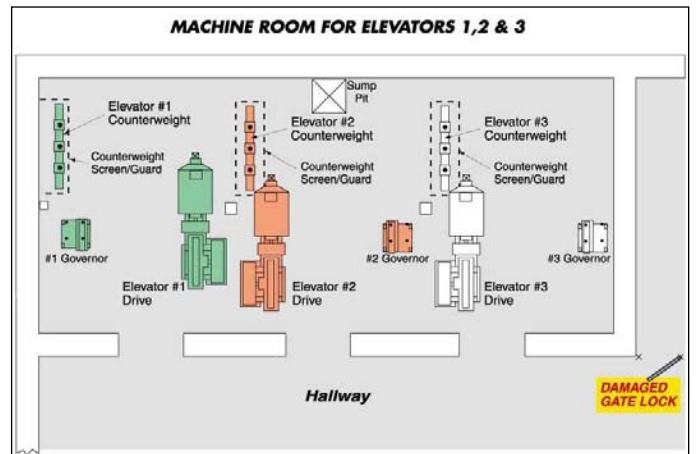
WHO

In a decision to award damages, a judge or jury should personally identify with the plaintiff(s). By presenting a photo collage, we are able to construct a compelling portrait of the parties affected by the injury. It is important to have a client or family member involved in selecting these photos. When testifying, the demonstrative evidence will be more powerful because the injured parties had a hand in putting it together. In *Smith v. Margaritaville*, Ricardo Echevarria used a collage of photos to establish his client's frequent presence at an entertainment facility, resulting in a verdict of \$524,000.



WHAT

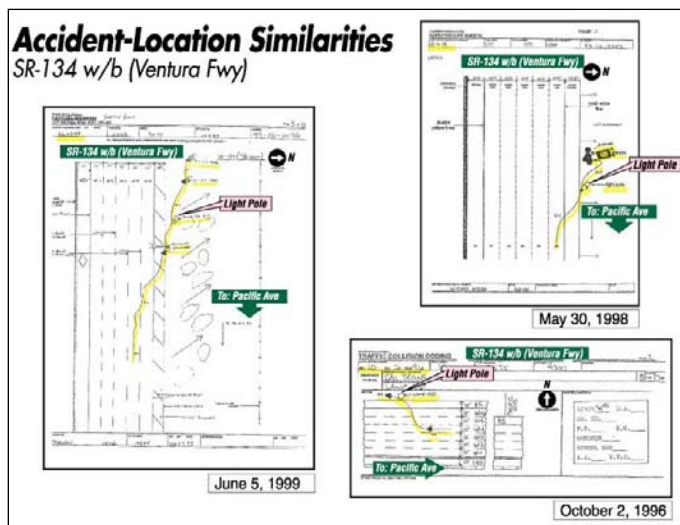
A visual re-enactment of the key events is the most effective way to illustrate a client's damages. A graphics specialist can provide exhibit boards that depict the circumstances leading up to the damaging incident and also show how the injury could have



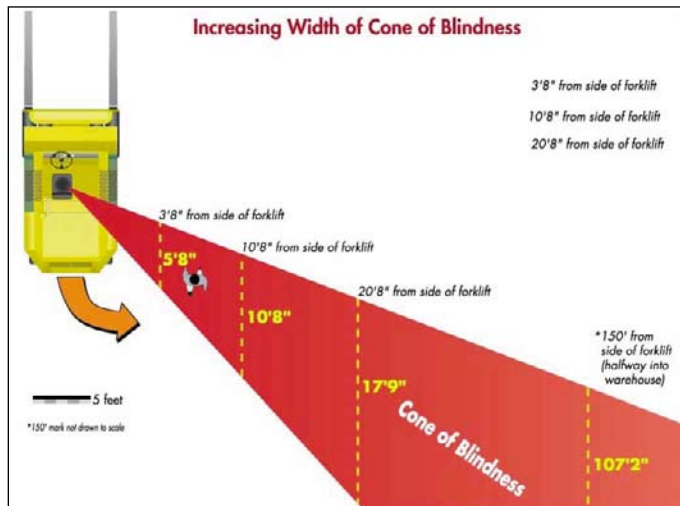
been prevented. In *Fuentes v. Montgomery Kone*, Browne Greene and Geoff Wells used a labeled diagram and before & after photos to show the negligent security that resulted in a wrongful death settlement of \$2.6 million.

WHERE

A graphic depiction of where the events happened can help a judge or jury visualize the scene. In *Angel v. CalTrans*, Alex Galindo combined previous auto accident diagrams thereby demonstrating the numerous auto collisions at the site.

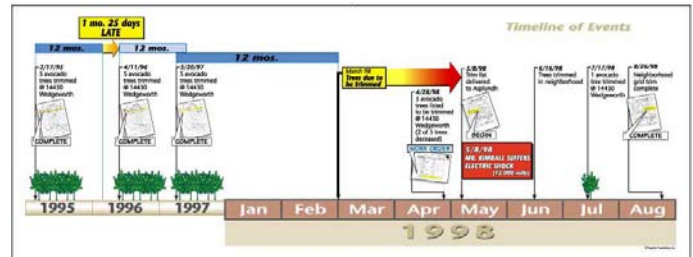


Courtroom animations allow you to produce a realistic re-enactment of the damaging incident. In *Martinez v. Taylor*, Richard Deverian used computer animation to show the blind spot path of a forklift. The jury awarded \$750,000.

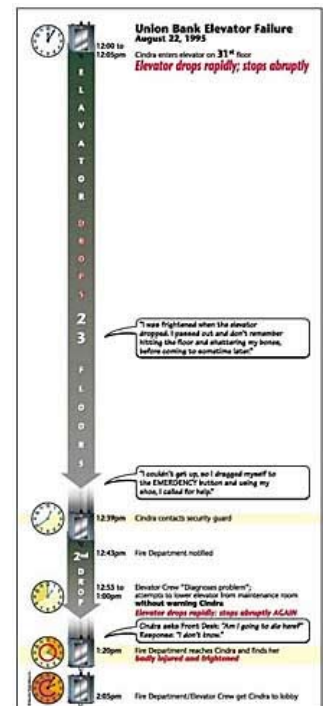


WHEN

Establishing the chronology of a plaintiff's suffering is essential to laying the foundation of your argument. In *Kimball v. Southern California Edison*, Chris Spagnoli and Browne Greene used a timeline and excerpts to show exactly when Southern California Edison was remiss in trimming avocado trees. The jury awarded the plaintiff \$21 million.

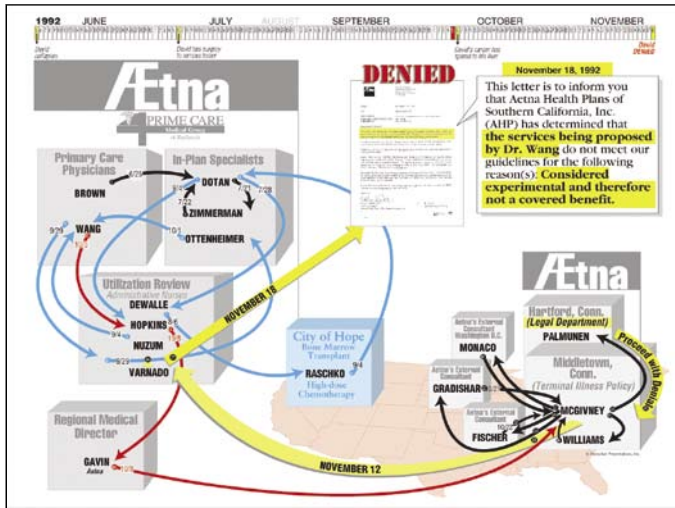


In *Palmer v. Schindler Elevator*, Garo Mardirossian and Joe Barrett presented a timeline to show when the elevator fell and how long the plaintiff was trapped. The plaintiff's terrifying conversation with the security guard, included on the timeline, evoked a sympathetic response from the jury, who eventually awarded \$5.7 million in damages.



HOW

In order to determine a verdict or establish damages, judges and jurors need to know how things happened. A well-labeled diagram or animation presents a comprehensive overview of the many factors involved in the situation. In *Goodrich v. Aetna*, Michael Bidart used an elaborate flow chart to emphasize the corporate tangle that resulted in Aetna's inadequate provision of health care. In a landmark decision, the jury awarded \$120 million.



Preparing a visually appealing presentation to answer these six essential questions will provide a memorable story that a judge or jury can easily absorb and retain in the process of determining damages.

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WHY

Once the who, what, where, when and how are answered, the last remaining question is why. Ultimately, a judge or jury will decide why a plaintiff deserves a specific damage award. In *Phil Michels' wrongful death case Arce v LAUSD*, a high school student drowned in swimming class.

Although liability was admitted, Michels used a graphic list of all the milestones the family would never experience, highlighting the continuing loss to the victim's family. A verdict of \$4.2 million was awarded.

