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# How to Prepare Effective & Convincing Visuals for Trial

By Rick Kraemer

**E**very attorney would agree that early and thorough preparation is essential to the success of a case. Many attorneys, however, fail to realize that proper preparation is also critical when it comes to developing visual aids for trial. Early visual aids planning will enhance your oral presentation and go a long way in creating an effective and convincing presentation before a judge or jury.

When is the best time to begin developing visuals? As soon as you know that your case is headed for arbitration or trial. Set aside an appropriate amount of time to discuss your case with a graphics consultant who can then help you devise a graphics strategy that will best help convince a judge or jury to your interpretation of the facts.

While attorneys often feel comfortable absorbing information by wading through reams of written documents, members of the general public do not. More and more, they are used to and expect to receive information visually. Television news clips and instant access to graphically enhanced information over the Internet means jurors have less patience and less of an attention span for "plain-wrapped" presentations from attorneys.

They are used to the rapid-fire pace of attorney-centered television programs and Court TV. They want to hear a case in easily-understood, visually-pleasing pictures. In other words, they want to be entertained while being informed. Visuals can do just that.

Visuals are sales tools. Although many attorneys construct their own visuals, few have the graphics background to look at visuals from a sales-oriented perspective. A visual can be pleasing to the eye, for

example, but does it get the message across? Does it help drive home your points? A graph may have all the bells and whistles but it may also be confusing or inconsistent. A graphics consultant can wrap the thousands of words you intend to use to try your case into a simple, salable, visually-enhanced package.

When you wait until the last minute to prepare your graphics, you lose the valuable opportunity to fine-tune the graphics, put together the best visuals

## **A visual can be pleasing to the eye, but does it get the message across?**

for your case and practice working with them. For example, to obtain the floor plan of a building, you will need to contact the city's planning office, the building architect or owner. If your case involves an auto accident, ideally you should hire a professional photographer to take pictures of the car so the vehicle can be properly lighted and the finished photos for use in court accurately arrowed and diagramed. All these efforts take time and would be almost impossible to accomplish on short notice.

One of the best examples of an attorney understanding the importance of early visual aid preparation is Michael Bidart during his recent \$120 million win in *Goodrich v. Aetna*. In what is considered the largest financial verdict against an HMO, a jury found that Aetna delayed and later denied coverage to plaintiff David Goodrich who had contracted a rare form of stomach cancer. A month before trial, Bidart came to our office and we began working

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with him on a visual graphics strategy. We helped him choreograph his opening argument. His visuals became an integral part of his well-organized, dynamic 1 1/2 hour opening that set the tone for the entire trial.

“Visual aids should be the road map for your case,” says Bidart. “They force lawyers to prepare in advance so you are not writing your opening the night before trial. In the Goodrich case, we wanted to present the feeling of how much red rape there was to get medical care. We literally created a map to show how complicated it was. Visual aids also allow me to comfortably present the case without constantly referring to my notes. The jury doesn’t realize it, but the visuals are my notes. They allow a continuous free flow of information to the jury.”

### **Simplify the Information**

Even in relatively simple cases, details can be confusing to jurors. Visuals can easily depict the who, where, what and when of a case to help avoid this confusion. The “whos,” (individuals, corporations, other entities) can be portrayed by specific photographs, icons or drawing so that each time the individual or entity is identified, the same photograph or icon is used. This increased jury recognition and association. By strategizing visuals early, photographs of the case principals can be taken during depositions. The “where” of your case can be displayed as a floor plan, location map or location photo. Often, questions can be asked during discovery to obtain the visuals necessary for trial. The “what” and “when” of a case are usually depicted through the use of timelines and calendars.

**“Preparing graphics early also helps me focus on what is important in the case.”**

*~Garo Mardirossian*

Visuals can be refined with the help of mock trials and focus groups, says attorney Garo Mardirossian. “You can use their comments to improve your graphics,” he says. “We also use graphics are

mediations and settlement conferences, always being careful not to tip our hand as to impeachment evidence. When the other side sees that we’re so well-prepared, there is a better likelihood they will think twice about taking the case to court. Preparing graphics early also helps me focus on what is important in the case.”

Visuals, whether they are flow charts, diagrams or graphs, eliminate excess words. Complex ideas that would take thousands of words to explain are broken down into pictures or graphs that jurors can readily understand. Significant passages in a large cumbersome document can be enlarged on a display board or overhead, which enables jurors to bypass needless information and focus just on the key wording.

Telling a story at trial is similar to telling a story in a motion picture. A successful film introduces characters and subplots as part of a well-crafted storyline as the movie heads toward a climactic finale. A trial can be viewed in much the same way. Juries don’t want to be given the entire case all at once (much like watching the last 15 minutes of a movie). A dramatic effect can be created in the courtroom by disclosing information in a step-by-step “storyline” progression using overlays or adding pieces to a magnetized board – all the time bringing the jurors to your conclusion.

### **Organizing the Information**

Just as your case theme must “stay on message,” so should your graphics. Whether you use check charts, diagrams, graphs or schematics, items on these boards should be coordinated by color, shape and size. This is the job for your graphics consultant.

By bringing a graphics consultant early in the case, you also can be sure that your expert witnesses’ graphics will coordinate with your graphics. When experts prepare their own graphics without input from your graphics consultant they may use colors or icons that contradict your graphic images, thus confusing the jury and muddling the message. Coordinating the visuals of the expert witnesses with your own will ensure that all graphics are on message.

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Wording repetition is also important in your graphics. For example, if you wish to call the defendant in your case John Johnson, you will want to call him John Johnson both verbally and throughout the graphics (not “John,” not “Mr. Johnson” or “J. Johnson”). Using consistent terms to describe individuals, companies, locations, items, procedures, etc. helps jurors to easily follow your story.

### **Presenting the Information**

Some graphics are more effective in certain circumstances than others. Graphic boards on easels, for example, should be used when you want information to remain on view for a good portion of the trial. Overhead projectors are used for displaying information temporarily (jurors lose the visual when the projector light is turned off). Mixing visuals should also be considered, i.e., display passages from a deposition on an overhead projector (a temporary medium), but include an overview of the deposition testimony on a board (a permanent display).

Other visuals to consider include models, a working product, physical evidence, slides, exhibits, video and photography. When determining which visuals will work best, consider the type of case, your case theme, which demonstrative evidence will reinforce your theme, how much time you have to present your case and your budget. You must also be comfortable using the visual. Some attorneys feel at ease working with overhead projectors. Others prefer using graphic boards. Another important consideration is to make sure the visuals you use will actually work (remember: the glove should fit!).

Interact with your visuals. As each point in your case is addressed, for example, check off the point on a check list chart. The jurors want to see you moving, doing something. They don't want to see a talking, wooden figure.

Graphics allow you to easily drive home your point and summarize your case during closing. Instead of just telling the jurors why your client is right, show them why your client is right. Graphic boards at closing are a culmination of your presentation and will

provide a lasting effect – the final words and pictures a jury will see before deliberations.

### **Conclusion**

To be most successful with your use of visuals, a time commitment is required. It is time well spent. Some attorneys want their graphics specialist to prepare the visuals with little input on their part. However, for visuals to truly impact your presentation, you must take an active role in helping the designer understand your case, as well as the key players and the issues involved. Commit time to practice with the visuals so you are comfortable handling them.

How important are graphics in court? Consider the advertisements that appear in daily newspapers. If words were enough to reach the public, all ads would be the same size and contain simple written messages (i.e., “Eat at Joe’s,” “Shop at Vons,” “Buy a Car From Us”). Instead, newspapers are filled with ads of all sizes, containing symbols, photography and creative messages – all designed to grab our attention and to tell a story. The courtroom is no different. Imagine a courtroom presentation void of visuals versus one that is visually creative and compelling. As with advertisements, jurors are more likely to remember and be swayed by the presentation that captures their attention and leads them down an easily understood path toward a logical conclusion. However, unlike advertisements, which can be repeatedly endlessly, you only have one chance to persuade jurors. This makes visual aids all the more critical.

The old saying goes “A picture is worth a thousand words.” Nowhere is that saying more true than in the courtroom. Creating a solid visual case road map for jurors (and yourself) does not happen the day before trial. Carefully plan your visuals at the beginning of your case to extract their maximum value and effectiveness. If you do, you will have a tremendous advantage over opposing counsel – and the jurors will be eternally grateful.

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