

# The Advocate

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# Honing Your Edge for the Courtroom—What works, What Doesn't and How to Know the Difference

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In the visually over-stimulated world we live and work in, its commonplace to find both the defense and prosecution employing graphic exhibits of one shape, size, color or medium in the courtroom to more clearly illustrate their argument.

Often they're successful. More often, though, they damage themselves and their case by not following some very simple rules about communications and how people pay attention.

Knowing what to exhibit and what to illustrate, then carefully selecting the most appropriate medium so your presentation creates the maximum impact on a judge and jury is almost always what separates a good presenter from all the others.

We've all heard Marshall McLuen's famous statement, "*The medium is the message.*"

I think McLuen got it wrong. Or else, we've evolved. In today's courtroom, where the judge, witnesses, defense and prosecution are all vying for each juror's attention, I believe "*your message becomes the medium.*"

And, if the tools you use to make your point are:

- a. too hard and cumbersome for you to use effortlessly;
- b. only confuse your audience by appearing detailed or too complex;
- c. make jurors pay so much attention to trying to understand and get the point of your graphic that they forget to listen to you; or,
- d. worst of all, make you as a presenter spend so much time and effort trying to present your information that you lose your point or lose touch with your audience...then, demonstrative courtroom graphics aren't helping your case, they're standing in your way.

Just a few years ago, many lawyers who introduced them in a courtroom reserved graphic exhibits for their largest or most high profile cases. It was like trotting out the ultimate weapon, because it was only to be used as a last resort. Today, everyone realizes the tremendous impact well designed graphic exhibits have on a jury.

But, what works and what doesn't? How can you most clearly and effectively present the information you know you want to emphasize?

In the presentation materials I offer to attorneys, I make it clear that **the object of every graphic exhibit should be to motivate an audience to more easily understand and accept the information they're viewing.**

My courses cover many topics but I'd like to suggest eight ingredients that every presenter should consider when they prepare a demonstrative presentation for their case.

## Knowing the High Ground

Courtrooms vary in size, shape, color, lighting, location of the witness box to the jury, clutter, court reporter's and bailiff's chairs, etc. It's especially important, if you're employing over-sized mounted graphics or blow-ups, to get these pieces as close to the entire jury as possible so they can see what you're saying.

But, bigger isn't always better and you don't want to overwhelm. "*Knowing the ground*" should be an essential line item in the presentation of your case.

Whenever I develop graphic presentation materials for my attorney clients, I try to scout the courtroom first – shoot low-res digital photos for later review, pay attention to the physical relationship of the tables to the jury box and witness stand – and, most importantly, make note of how much clear ground between all these obstacles my presenters will have to work in when they make their presentation.

It's a small, usually overlooked touch that often means the difference between stumped jurors leaning forward trying to figure out what they're looking at or more comfortably sitting back and actually absorbing the material being presented to them.

## Color

Communications surveys since the mid-1980's have proven conclusively there's an 80% to 85% **increase** in the retention span of adults viewing information in color versus black and white.

But how do you employ color to its most dramatic and visual effect? In head-to-head comparisons, the information contained in color photography and illustrated materials are always absorbed by viewers more completely and fully than black and white.

What about when you're presenting page after page of complex lists or typed words – all blown up so large that all the characters on the page read like hieroglyphics?

When you're presenting long lists of black words or numbers on a white page, there are ways to emphasize key information much more effectively than with the over-used yellow marker. Try reversing the page, for example, by screening all the unimportant information back in light blue to 30% and framing in the important information you want the jury to focus on highlighted clearly in bright white.

When presenting photos, sometimes you'll see much greater impact by fading back the overall photo and pinpointing a key important element in full color.

(continue of Page 15)

Similarly, illustrations can be designed with clear overlays that emphasize. Or, by reducing the areas of color around a major point of interest you automatically “target” the most important information.

Schematics or plans are viewed much clearer when they’re designed with areas of color separating key pieces of information. And charts and graphs have much more impact when the information is broken into color blocks that clearly define.

### Animation

It’s no secret that every one of us is favorably predisposed to viewing and absorbing information from a television monitor. Add motion, then connect the dots to a sequential series of actions in real-time, and you’ll have every juror’s full attention because that’s the medium they’re accustomed to viewing in their living room. Nothing in a courtroom, short of live action or actual film footage, has the positive visual impact of true 3-D animation, but, it is expensive to produce, requires in-depth planning and takes patience to get it right.

### PowerPoint

The folks at MicroSoft have seriously considered banning PowerPoint presentations from their own MicroSoft office communications because it has been misused and abused so often. **And they created it!** Read the instruction manual and you’ll see that a single PowerPoint cell is designed to hold and most effectively display just ten words or, one thought.

Most presenters untrained in the implementation of elementary communications strategy, create huge PowerPoint presentations with upwards of 100 cells or more. Then, they fill every screen with words, graphics and colors...so much so that no one can figure out what the message is from all the clutter.

### Content

The old axiom, “Less is More,” is a useful phrase to remember when presenting information, especially in PowerPoint. **The more there is to show or the more complex the information, the longer it will take for your viewers to absorb the data...even before they can make a cognitive decision to accept it as positive or negative.**

Try breaking complex information it into smaller, more bite-sized, easily absorbable chunks rather than just one big picture. Create the first illustration to establish the overall image, then emphasize your point by zeroing in on the specifics with the second, third and fourth.

Split screening or placing two exhibits side by side during your explanation will often drive home your point even more conclusively. Carefully cropping a photo or illustration often changes the impact completely. And bordering key points within an exhibit is another really effective way to pinpoint your information.

### Subject Matter

Today, viewers are much more media-savvy than they were just five years ago. The average individual in the U.S. is exposed to more than 2,500 images a day. And, viewers have become quite adept at mentally screening the input they’re prepared to accept or reject. So, knowing how to overcome “*Cognitive Dissonance*” becomes extremely important when presenting your case.

**Try to avoid cluttering up the screen. Knowing what to eliminate in a chart, graph or photo is more important than deciding what to keep.**

Often, similar exhibits are accepted and rejected by viewers not by the content but by the treatment of the format or the amount of white space that enables them to more quickly digest the data. These types of communications subtleties can easily bring a jury to your position simply by what and in what format your information is presented.

### Tailoring Your Presentation to the Viewer

One of my clients, the late Caddo Parish Coroner and Bossier Parish Chief Deputy Coroner, Dr. George McCormick, used to jokingly tell people that “the 3-dimensional animated courtroom presentations I developed for him brought his medical explanations back to life.”

He was a master at taking extremely complex information and explaining it so the least educated or most unsophisticated juror could easily comprehend what he was saying. He knew and was completely at ease with his individual presentation style and I built presentations for him that positively emphasized his individual speech, mannerisms, pace and teaching ability.

Interestingly, though, **Dr. McCormick used 3-dimensional animated motion sequences as a way to stop the action**, slow things down, eliminate the emotion, dull the intrigue, explain a particular point, then, keep a jury moving at his pace, on his track and paying complete attention throughout his entire testimony.

### So, How do you Recognize Your Individual Presentation Style?

Richard Nixon was acknowledged as a first class debater but he still lost the presidency to John F. Kennedy, in part, because of his poor presentation style.

Media historians agree that had Nixon debated Kennedy on the radio, he’d have won hands down. But he chose to debate on Kennedy’s high ground which was the new medium of television.

The same holds true for presenters in the courtroom. If you’re ill at ease working from oversized charts on an easel, then animate and present your information on a television monitor that jurors are all quite comfortable with and accustomed to looking at each

(continue on Page 16)

day in their living room.

Courtrooms today are equipped with digital projectors that display your information from a laptop computer onto a pull down screen or monitor.

Live-sized models or scale models create a 3-dimensional space that viewers can see through, mentally touch and walk easily through. Scale Models are especially good to use when you need to bring the vastness of the outdoors inside and into a courtroom.

In the end, what works best for you and what motivates the jury to pay closer attention to the material you're presenting form the essentials of your individual presentation style.

And, finally, it's wise to remember, too, that every juror is a viewer in real life. Knowing how to reach viewers the way they're accustomed to receiving information can often mean the difference between winning and losing.

The key for you is to begin with the presentation style you're most comfortable with and tailor the materials you employ into that style. Ultimately, you'll be a more comfortable presenter and the jury will quickly recognize it.



This segment of a 3-camera 3-dimensional animated automobile and semi-tractor trailer head-on crash demonstrated the real-time sequence of events from an aerial position, from behind the steering wheel of the truck driver and from behind the steering wheel of the automobile driver.

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This segment of a 3-dimensionally animated burglar/police chase begins with blow-outs of the existing signage along a stretch of city street before illustrating the chase from the view of the burglar's auto, the policeman's auto and from an aerial perspective.