

BASIC RULES for Effective Courtroom Presentations

By Robert L. Featherly

Entertaining storytelling doesn't have to come with pictures. I can recall listening (at a very young age) to radio theater and imagining the settings, the faces, the colors and the action from those remarkable voices and sound effects. But pure entertainment was the objective then and, other than remembering the sponsor name/product, it was not important what we remembered from those stories, as long as we were entertained.

Our courtroom audience needs to be more than entertained (though entertainment is still a critical element). Jurors all need to hear, understand and remember the same message... even when filtered through their personal interests, beliefs and biases. The most effective tools to achieve this message consistency are effective visual demonstratives to enhance and effectively imprint our stories in jurors' minds. People, even judges and general counsels, think in pictures and they will conjure up their own images if we don't provide them.

Here are some **Basic Rules** we employ to produce effective visual communication tools for our clients:

1 – Know and Play to Your Audience (including judges). Who are these people? What are their interests, beliefs and biases? What will they grasp? Provide visual images and contexts familiar to them.

2 – Entertain Their Thoughts. We often employ the Discovery Channel or *How It's Made* approach as we design our tutorials and descriptive graphics. Remember jurors' short attention spans. Keep them tuned in.

3 – Enhance Your Presentation – Don't Read it! How many of us have nearly died a slow death from endless PowerPoint bullet points? If you find yourself, with your back to your audience, reading your slides... you have too much copy! If you have more copy on your slides than you would write on a flip chart during your arguments... you have too much copy!

4 – Keep it Simple. Boil it Down. The imprint value of a message is inversely related to its complexity. Keep circling back to your themes as you present your evidence. Consider a small number of mounted presentation boards on easels to reinforce these themes. For graphics, use uncluttered backgrounds – pastels for environmental and medical matters and darker, more saturated colors for heavy duty industrial matters, or when referring to “the bad guys.” Select bold, non-serif fonts. Each graphic should convey or build a concise message. High style, in backgrounds and fonts, is more appreciated in the boardroom than the courtroom. Consider how color choice might be distinguished and interpreted by your audience (ethnic tones/local gang colors, etc). Take the time to keep it simple. Don't give them what you like; give them what they need!

5 – Titles are Huge Thematic Reinforcement Opportunities. Titles should pose a question, make a statement, or reinforce a theme. “Timeline,” “Personal History,” or “Chronology of Events” are useless titles and waste one of your best opportunities for imprinting themes and posing questions. Don't identify the type of graphic; tell the jury

what it means! And remember, with today's electronic graphics, if the judge supports an objection to a title, you can quickly and easily change it.

6 – Reveal Complex Offerings – And Don't Abandon Your Reveals! Timelines, flow charts and illustrations generally need to be offered in bite-sized pieces, or 'reveals,' for effective storytelling. This allows you to develop the story while comparing several events, actions and trends, summed up in a final image frame. Revealing these message elements, building as you go, keeps the jury focused on your commentary (imprint value again), versus reading ahead. Don't sacrifice these reveals on the altar of time constraints. Time is rarely saved and communication value is always compromised.

7 – Use Icons to Offer Visual Cues to Copy Blocks. Use canned or, when available, custom icons that assist the audience in visualizing timeline or flow chart copy blocks. Push your art departments for some creative thinking here. Or, surf the web for icon libraries. These icons can be very effective in contract or paper chase cases. The imprint value of icons has been proven over and over during our focus groups and mock trials.

8 – Minimize Slide Change Effects. The only person entertained by dancing copy on a presentation screen is the presentation's creator. To everyone else, it interrupts their train of thought. Start with Cut transitions and add Fades when you want to convey a change of time, place or topic. Sliding in copy, sexy page turns and most other transitions need to be employed very sparingly and driven by content, not style. Again, keep it simple!

9 – Test Your Presentations Before You Complete Them. This is the best confidence builder for new presentations. Showcase your work-in-progress presentation to people not completely familiar with the topics and/or content of your case to measure communication effectiveness. Fold this input into your final drafts.

10 – Rehearse! Rehearse! Rehearse! Budget the Time. No matter how effective your visual images are, their communication enhancement value is heavily dependent on your familiarity with their content, construction (reveals) and pacing. If you are looking at the screen more than the audience, you need more rehearsal. If you (generally) only look at the screen to emphasize a point, or when you want to steer the audience there, you are ready for prime time. You are the storyteller; the visual component is your imprinting partner, providing common images for all to consider.

Yesterday's radio theater probably reached its zenith with Orson Welles' broadcast of *War of the Worlds*. It proved how powerful our imagination can become as the CBS Radio Network was overwhelmed with thousands of calls from terrified listeners and mass hysteria swept the land; people were convinced an alien invasion was indeed underway. It was very effective storytelling, when raw entertainment was the main objective.

Our objective is more multifaceted. In addition to keeping our audience (jurors) tuned in, we must provide them with a compelling, focused mental representation of our story. Again, we all think in pictures and jurors tend to see what they believe, employing personal interests, beliefs and biases to create as many different mental images of our stories as there are jurors in the box.

Successful demonstrative graphics provide all jurors with a consistent starting point, providing each with the same visual image around which they can mold their distinct

impressions. Effectively produced and presented, these images have very strong imprint value and will continue to provide a common visual experience for the group to refer to during deliberations. They will also allow jurors to retain the essential information you've provided and give them the tools they need to evaluate your case facts and overarching story.