Information Design Principles Gleaned from the Teachings of Ed Tufte and Others and Modified for Courtroom Demonstratives

Our clients do not want pretty pictures. They want to communicate to the jury. They want to win their clients' cases. They want to make Partner. They want a bigger bonus. They come to us for help achieving these goals.

The business of this firm is to design information for presentation to a jury, the court, a client or any other group of people in such a way as to further our clients' goals. To do so we must balance the need for absolute truth and integrity in our designs with the fact that we are acting as advocates for our clients' position. Thus, the principles of information architecture, as described herein, which are formulated for strict factual analyses, may need to be modified to reflect our position as persuaders.

Information design begins with an honest analysis of the evidence, the story we are building, and the act of advocacy. Ask yourself, "What is the intellectual task that this display is supposed to help with?" "How does this fit within the story I'm telling?" "How does this advance my client's position and convince the jury?" The answers to these questions will form the framework of your demonstrative and the entire presentation.

Follow these guidelines to create better information displays.

1. **Make Good Visual Comparisons:** Force an answer to the question, "Compared with what?" For example, do not simply say/show that revenues of the company are up. Show that they are up compared to: expenses, workforce levels, industry performance, etc. Do not say only that customer response times are as long as two days. Compare that with the average over time, industry norms, the best in the industry, etc. Give the audience some kind of "yardstick" to measure your data against.

   In the Example at the end of this document, we see flagging sales and revenues prior to and a marked increase after Soylent's acquisition of Omega's scientists and trade secrets. Our comparison is before and after the theft.

2. **Show Cause and Effect:** Design the information to explain the underlying mechanisms and answer the question, "Why did that happen?" In litigation, we are always trying to answer this question as it proves or disproves liability for some event or action. You may have to be subtle or forceful with the answer to this question depending on the nature of the answer and the personality of the case. We all understand natural cause-and-effect events. Each demonstrative has the capacity to tell a story illustrating this relationship.

   In the Example, combining the depiction of people and trade secrets coming from Omega to Soylent in conjunction with the increased sales revenues over time gives the viewer a clear cause-and-effect relationship and, we hope, a link to liability.

3. **Charts and Graphs Should Be Multivariate:** Most problems require more than one or two variables to adequately describe them. It is a rare situation when only one variable changes as opposed to a variable changing in response to some other variable.

710 Colorado, Suite 3i
Austin, Texas 78701
T 512.476.9500
F 512.476.9501

2816 Commerce Street
Dallas, Texas 75226
T 214.421.5900
F 214.421.5915

In our Example, we show both increased sales together with trade secret theft, employee raiding, and market growth. All data are plotted against time. In total we have 4 variables on the graphic. Each variable adds information and context to the whole.

4. **Completely Integrate Words, Numbers and Images:** Make sure that the images, words and data fit together to form a coherent whole. A well-designed graphic needs no chart-candy. Images that complement the words are acceptable if they are used as reinforcement for the text or to give the viewer an emotional impression. However, care should be taken to stay within the bounds of court guidelines and to not arouse suspicion in the audience's mind that you are relying on emotional messages because your data is weak or flawed.

   Do not overlook the relationships between individual demonstratives. Any demonstrative must be internally consistent and also externally consistent within the larger framework of the case presentation, character of the trial and personality of the client. This pertains not only to background, layout, font, etc. but also to the choice of language, verb tense, illustration style and more.

   In the Example, we use many graphic devices but nothing is superfluous. The little green molecule icon represents the soylent green formula and, as such, is not chart-candy. In fact, it is the very reason we are in trial at all – the theft of that little molecule.

5. **There Is No Substitute for Good Content:** As Ed Tufte, father of modern information design teaches us, to improve the presentation, get better content. If your numbers are boring, you've got the wrong numbers. If your facts come from sources that are suspect, validate them with outside sources that demonstrate integrity. No amount of design will help if the data is not trustworthy or is irrelevant to the issue under debate. Think about the problem to find a solution to the problem, an answer to the question being addressed by the demonstrative.

   In the Example, we have selected sales revenues because that is the figure against which we would calculate royalties owed to Omega. However, we might consider including the profits as well. If they are interesting to the viewer, as very high or very low, these numbers might effect the damages the viewer is willing to consider.

6. **Information for Comparison Should Be Put Side-by-Side:** You can't compare things that you cannot see together. Do not say, "Let me show you our data. Now, let me show you their data." You must be able to say, "Let me show you our data next to their data so that you can compare." Although we sometimes have to place things one after another in a slide show due to limitations of resolution and screen size, this kind of sequential display can blunt the point until it is completely lost.

   We have used three slides to compare Soylent's condition before during and after the "Employee Raiding." By separating these into stages, we allow our viewer to make comparisons and conclusions as the story unfolds.

7. **Use Small Multiples:** Show changes by using many small pictures within the same field of view – like frames of an animation stretched out to be seen simultaneously. If specific details are to be brought out, do that either on another demonstrative or, if appropriate, within the same demonstrative in another area.

710 Colorado, Suite 3i
Austin, Texas 78701
T 512.476.9500
F 512.476.9501

2816 Commerce Street
Dallas, Texas 75226
T 214.421.5900
F 214.421.5915

Again, by breaking up the events in our Example into smaller pieces, we are able to show the dramatic difference the acquisition of talent and trade secrets made to Soylent's sales, profit and market share. This technique can been used to illustrate the lunar phases during a month, the progression of a skyscraper construction project, and the path of a car crash.

8. **Do Not De-Quantify:** Numbers have meaning. Do not reduce quantities to on/off or yes/no, here/there. Use numbers or graphs to represent them. If we quantify things accurately, the audience will trust our display. If we remove the quantities and refuse to show them our data, the will distrust our displays and our clients. It is acceptable to combine both the trustworthy data and a statement that attempts to either draw conclusions or state a fact demonstrated by the data.

   In our Example, we might have simply stated that since the trade secret theft, Soylent's profits rose more than 2,000%. Dramatic as that statement is, it leaves our viewer wondering what the data really is. How much more than 2,000% was it? Over what period of time? What was the market doing? On the other hand we include a conclusory statement in the title block satisfying our role as advocate. Don't forget, you have an opponent who is ready and capable of pointing out any attempt to hide data.

9. **Use Colors Carefully:** Colors can have a great effect within information displays. In general, use colors found in nature. Select from a unified color palette used throughout the presentation. The color scheme generator on the web,http://kuler.adobe.com/ is an excellent source. Try the Contrast – Base + Compliment setting, or the monochromatic setting, for a pleasing arrangement. Jot down the RGB values to create your own pallette in PowerPoint. You can also preview the effects of color blindness on your colors.

   Our example downplays those items which are structurally necessary (the timeline) and highlights those items which are critical to understanding. Red, orange and yellow are excellent highlight colors.

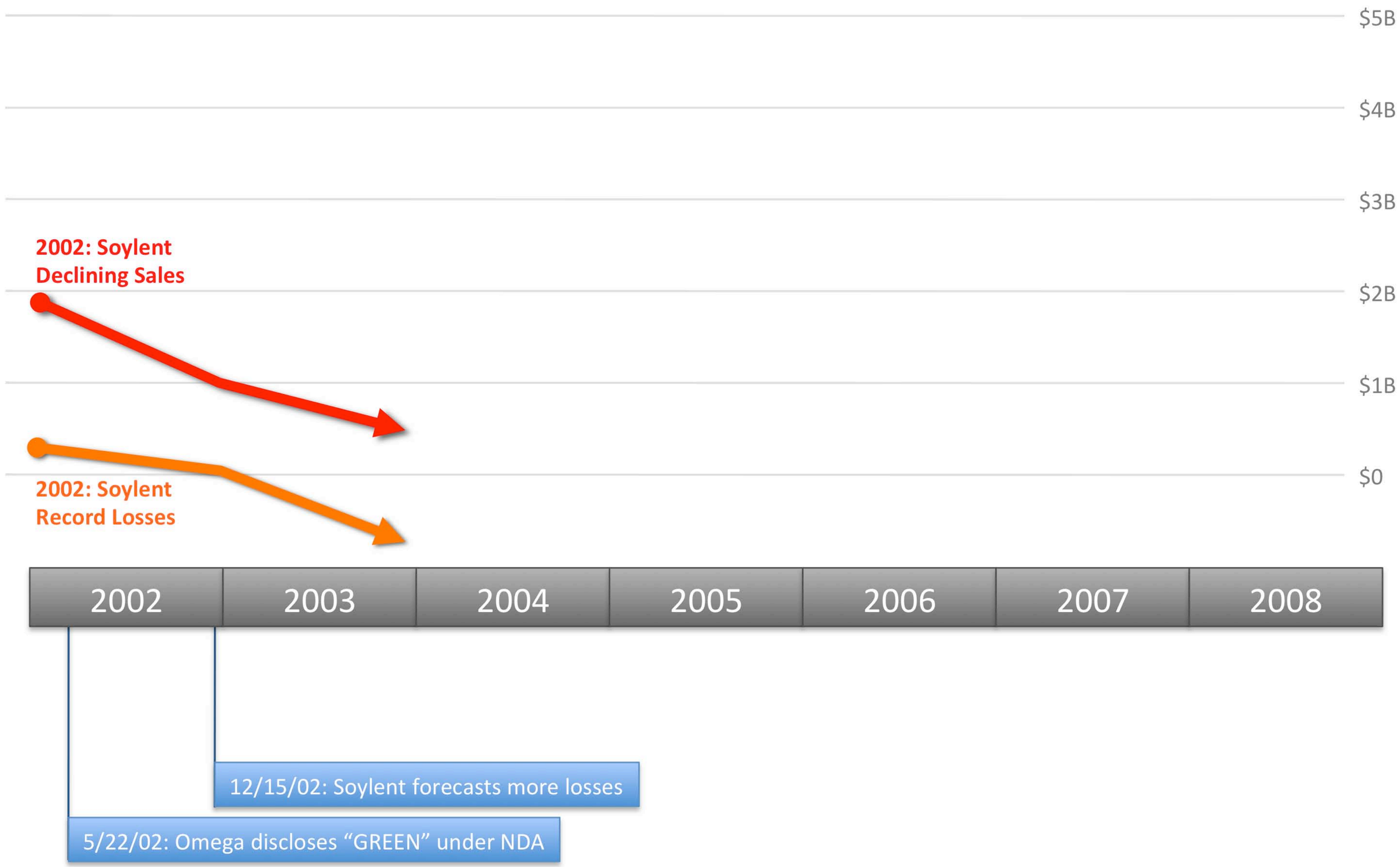
10. **Use 3D Effects** Judiciously: Using effects such as drop shadows and emboss can add a great deal of interest to a demonstrative. It can also add clarity and meaning if used well. Unfortunately, it is all too easy to rely on effects to make our demonstratives attractive when what they really need is better design. Make sure that effects are used to help separate or enhance certain structures that are truly important and not things that should be relegated to the background.

    In the Example, some elements are pushed to the back, like the graph value lines, by reducing their visual importance. Other elements are brought to the foreground, and thus increased importance, by selective coloring or a drop shadow effect.

710 Colorado, Suite 3i
Austin, Texas 78701
T 512.476.9500
F 512.476.9501

2816 Commerce Street
Dallas, Texas 75226
T 214.421.5900
F 214.421.5915

Soylent Got Rich on Omega's Secret "GREEN" Formula



Soylent Got Rich on Omega's Secret "GREEN" Formula

5/3 – 10/15
Soylent Hires 5 Key Omega Scientists who knew Omega's Secret "GREEN" Formula

2002	2003	2004	2005	2006	2007	2008

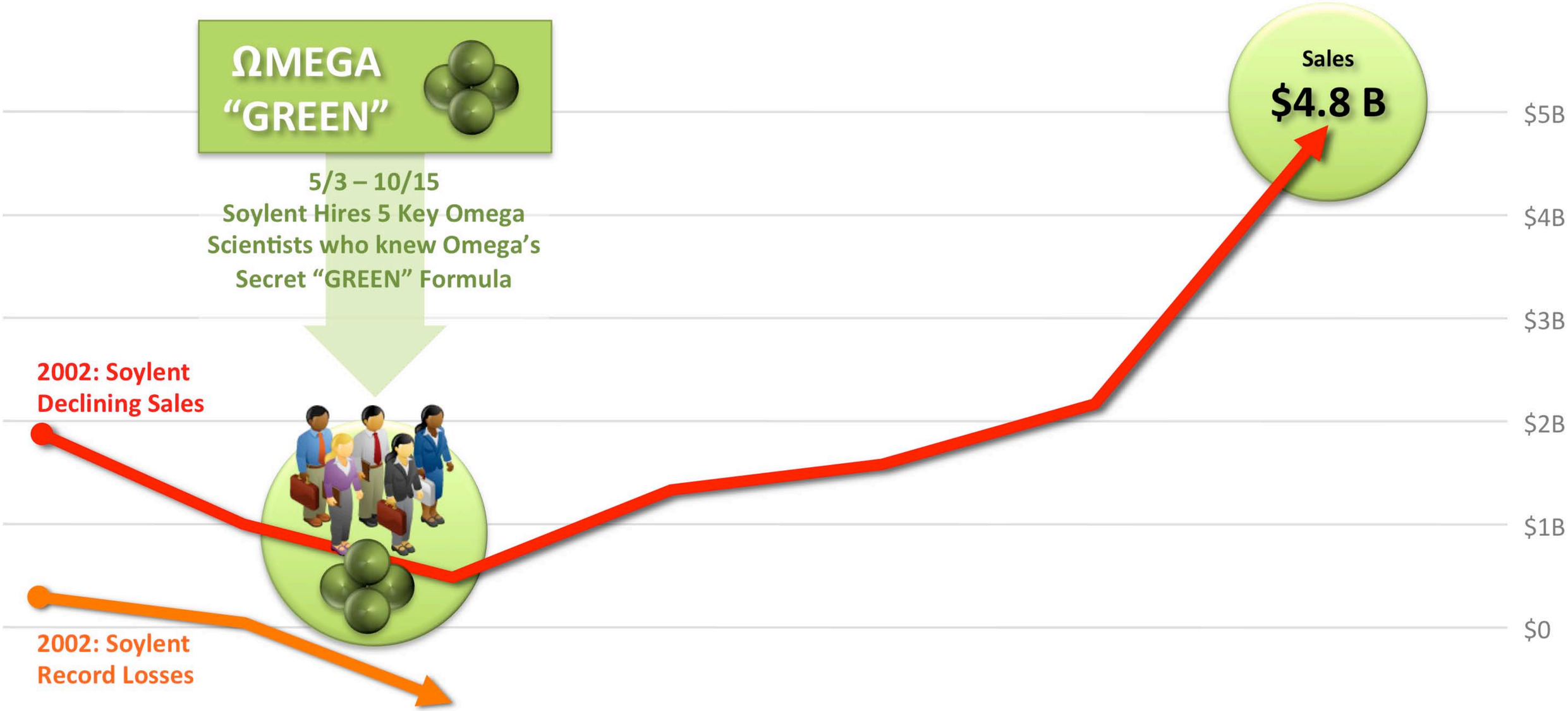
EMPLOYEE RAIDING

5/03/03: Soylent contacts Dr. Baker

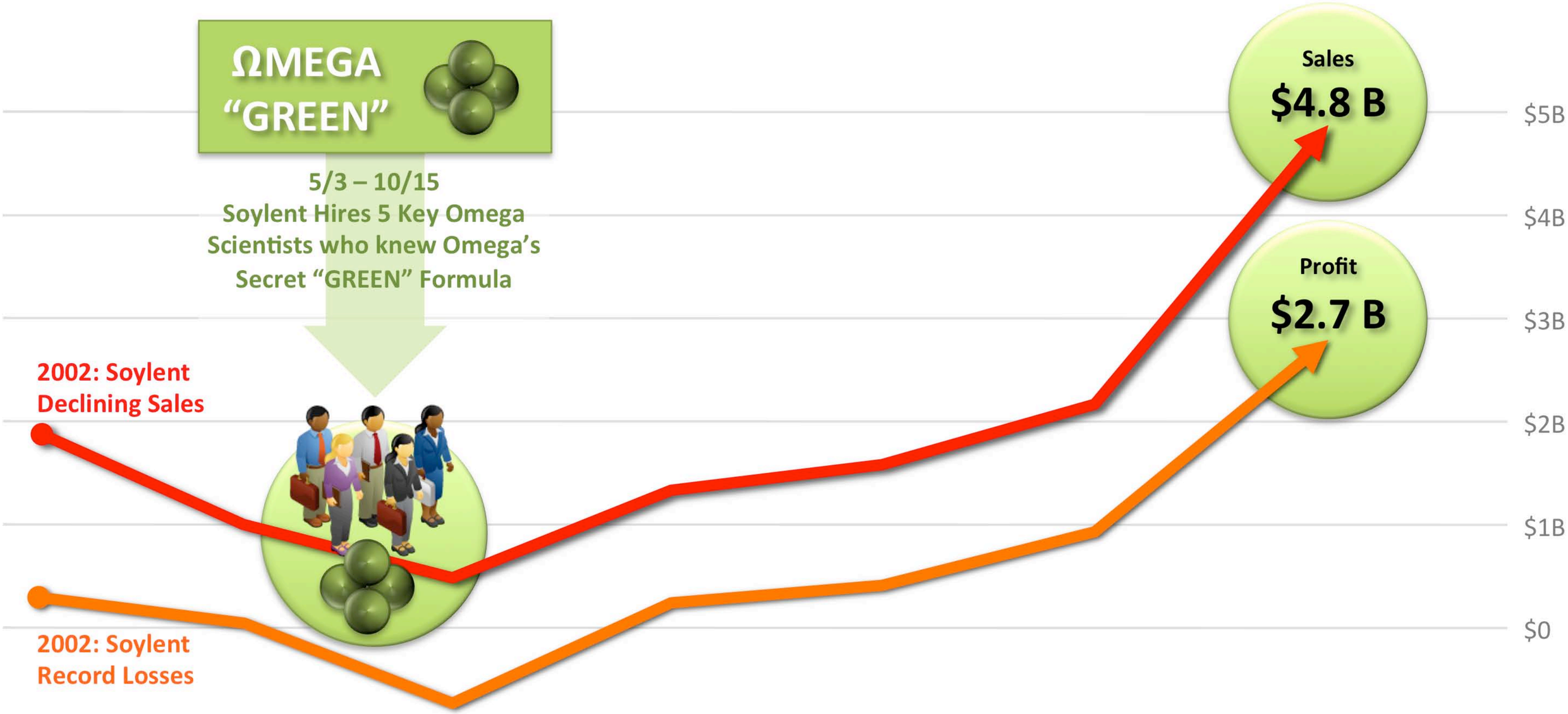
12/15/02: Soylent forecasts more losses

5/22/02: Omega discloses "GREEN" under NDA

Soylent Got Rich on Omega's Secret "GREEN" Formula



Soylent Got Rich on Omega's Secret "GREEN" Formula



2002	2003	2004	2005	2006	2007	2008

- EMPLOYEE RAIDING
- 5/03/03: Soylent contacts Dr. Baker
- 12/15/02: Soylent forecasts more losses
- 5/22/02: Omega discloses "GREEN" under NDA

Soylent Got Rich on Omega's Secret "GREEN" Formula