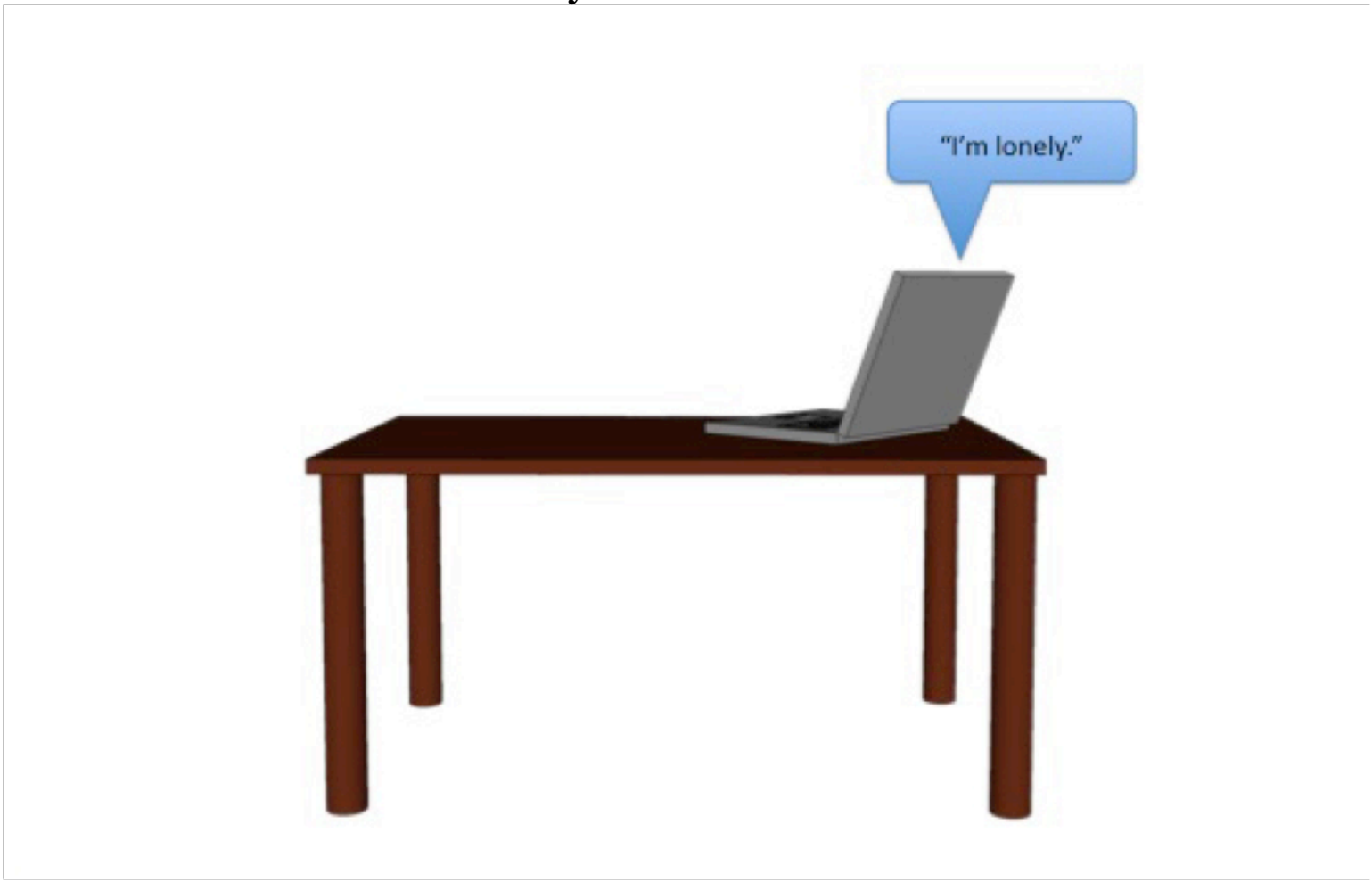
Anthropomorphism in Technical Presentations: Attributing human voice, behavior and motivation to inanimate constructs

by Jason Barnes



Both scientific and legal training stress the importance of avoiding anthropomorphism. We are taught to study and apply the laws of science and society based on facts and logic; to remove our own personal bias from observation and communication. However, that very science, through the study of linguistics, for example, teaches us that human beings think, speak and experience the world through the lens of our own, rather personal, sense of anthropomorphism. In other words, people experience the world through human hands, human eyes and human ears all coupled to a human brain filled with human emotions. We are hard-wired to apply human emotion and reason to all we see and hear.

When it comes to trial presentation, patent lawyers (many with technical training prior to their entry into the law) and technical experts are at a distinct disadvantage. They live by the cold, harsh light of the scientific method, eschewing anthropomorphism in their work. There is nothing inherently wrong with the scientific method. However, to point out the obvious, jurors in technical cases are not typically scientists or technologists. Indeed, any scientifically trained juror is likely to be excluded based on that very training.

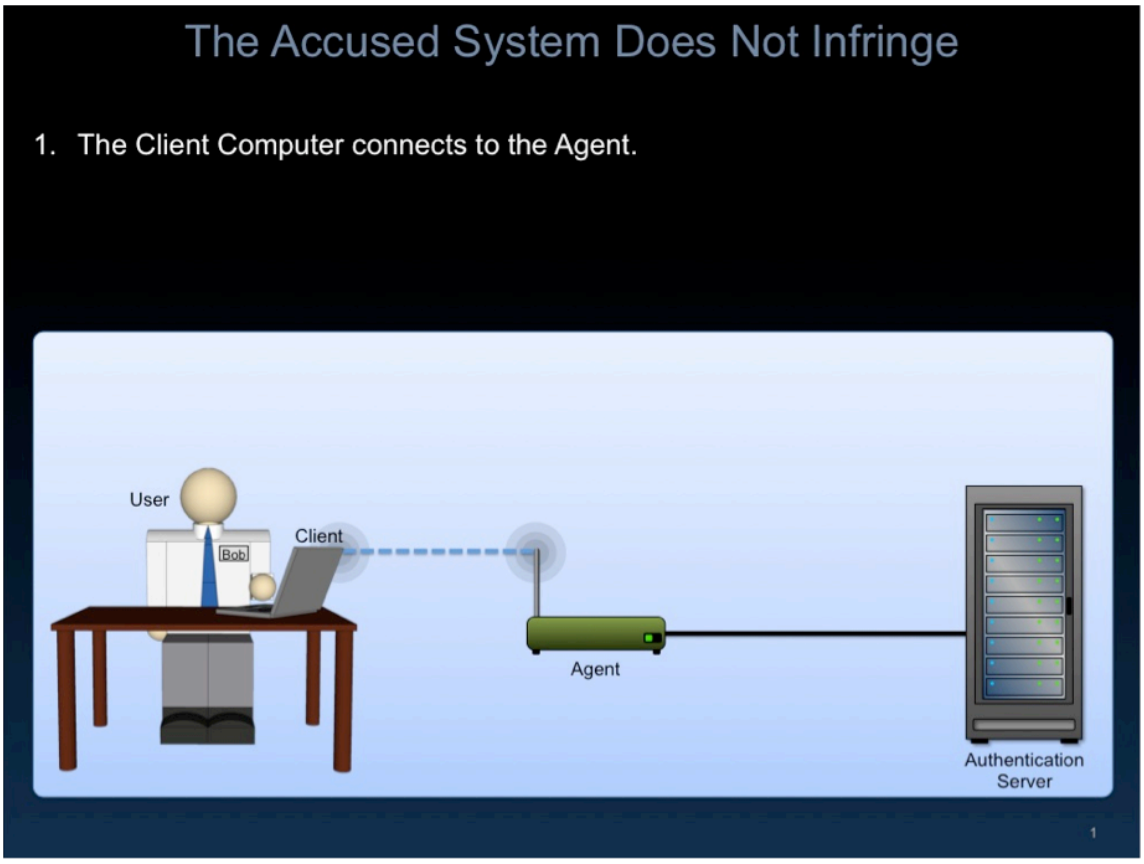
Now that we are faced with a jury of non-scientists and the difficult task of teaching technical subject matter to them, we must switch off the cold light of science, light a warm fire and settle in to tell a story.

Anthropomorphism has a long and great history in storytelling. In the jealous gods of antiquity and the animal players of Aesop, humans relate to the world around them through their natural capacity for anthropomorphism. Within the first five minutes of the Pixar(R) movie, Wall-E, I found that I had emotionally connected with a cartoon trash compactor. To me, the animated machine (twice removed from my own humanity) had a heart, a mind and a soul. He was lonely. My personal experience is not, strictly speaking, "evidence." But the popularity of this and other movies like it should tell us something about our ability to connect with the inanimate in very compelling ways. As trial communicators we should embrace this remarkable ability and exploit its power.

In my practice, I frequently encounter opportunities to anthropomorphize within demonstratives. This is particularly true in intellectual property cases where we need to explain technical subject matter in a way that is easily understandable to a lay jury. Consider these two statements:

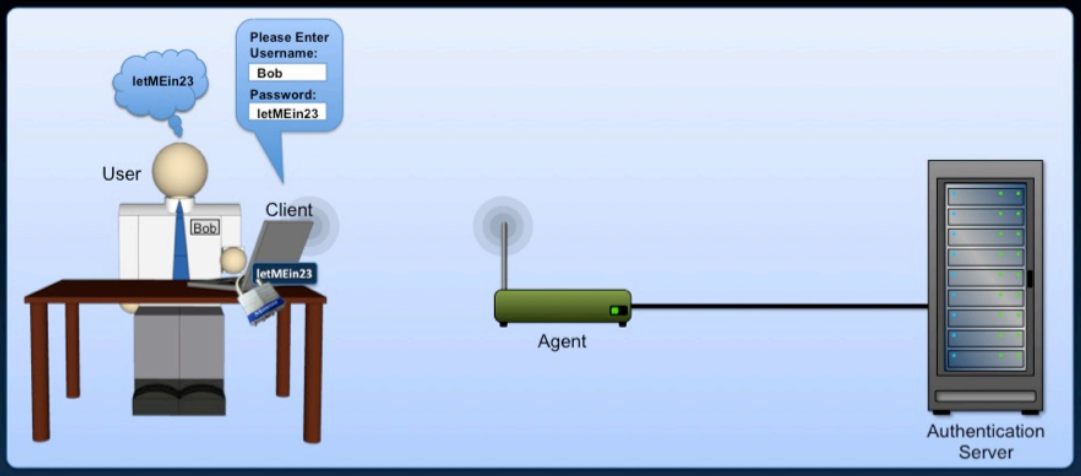
> *1) Once authenticated, a stateful firewall enforces access policies such as what services are allowed to be accessed by the network users.*
>
> *2) The firewall recognizes you by your name and password. It also knows what access privileges you have and will prevent you from doing anything you are not supposed to do.*

In the following example (from a PowerPoint file with five animated slides culled from a much longer presentation), you can see how we have given voice to three computers in a network authentication system. Not only have we simplified the technical description of what is happening, we have also attributed motive and reasoning to the computer systems by portraying a conversation between them. The descriptions at the top of the slide satisfy basic evidentiary and credibility requirements for the expert's testimony. The speech balloons, on the other hand, allow jurors to relate to the computer systems on a personal level.



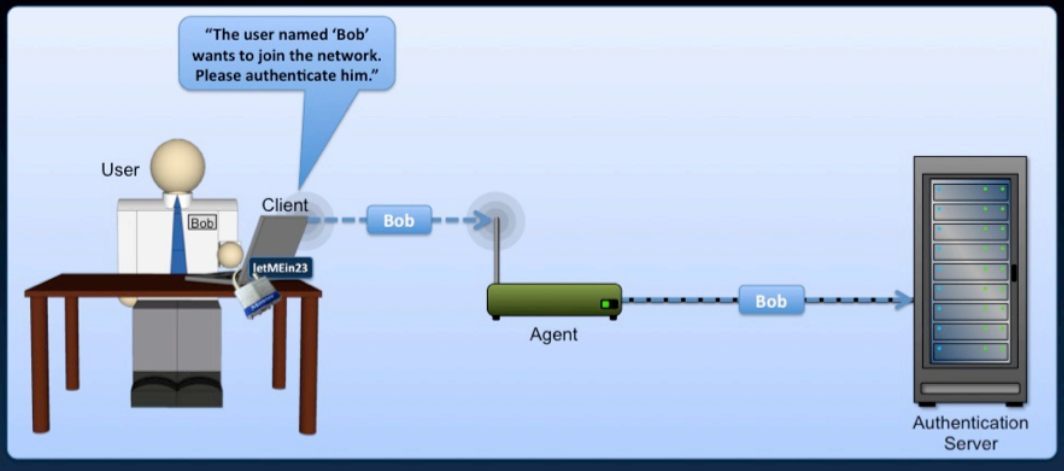
The Accused System Does Not Infringe

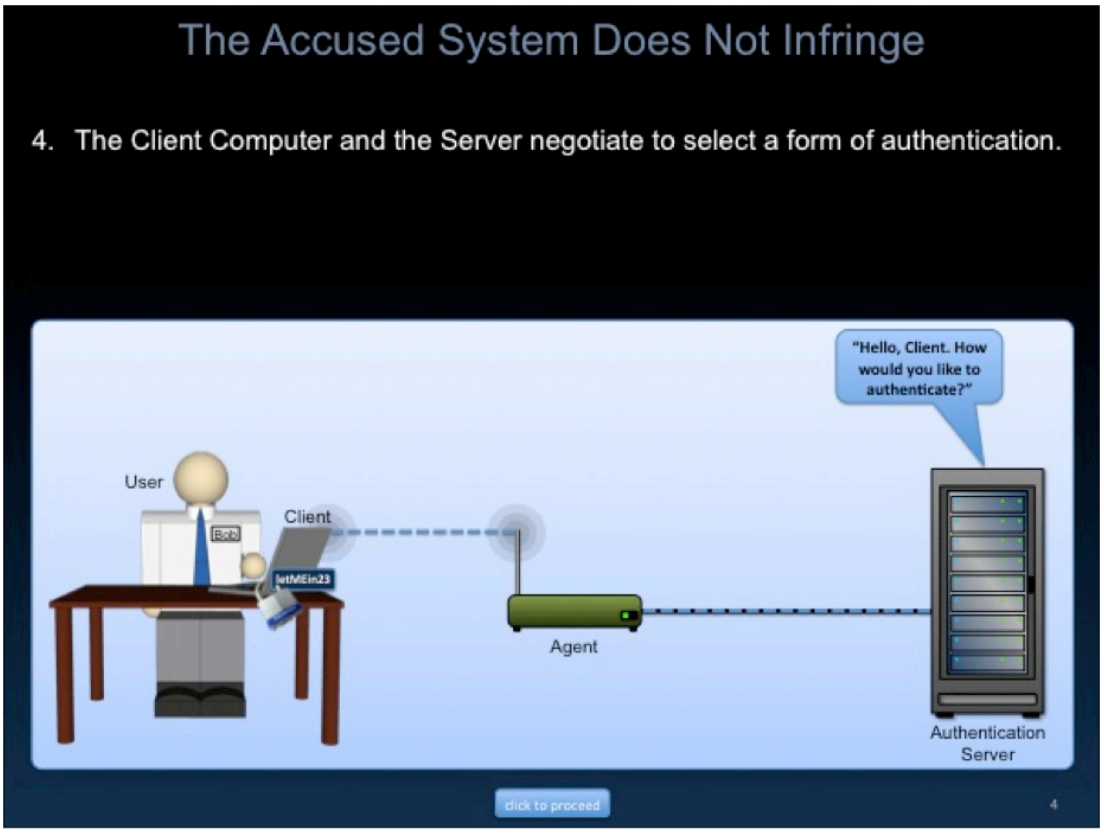
2. The Client Computer system prompts the User to enter his Username and Password. The Username will be sent to the Server. The Password is known only to the User and the Client Computer. The Password is never sent to the Server.

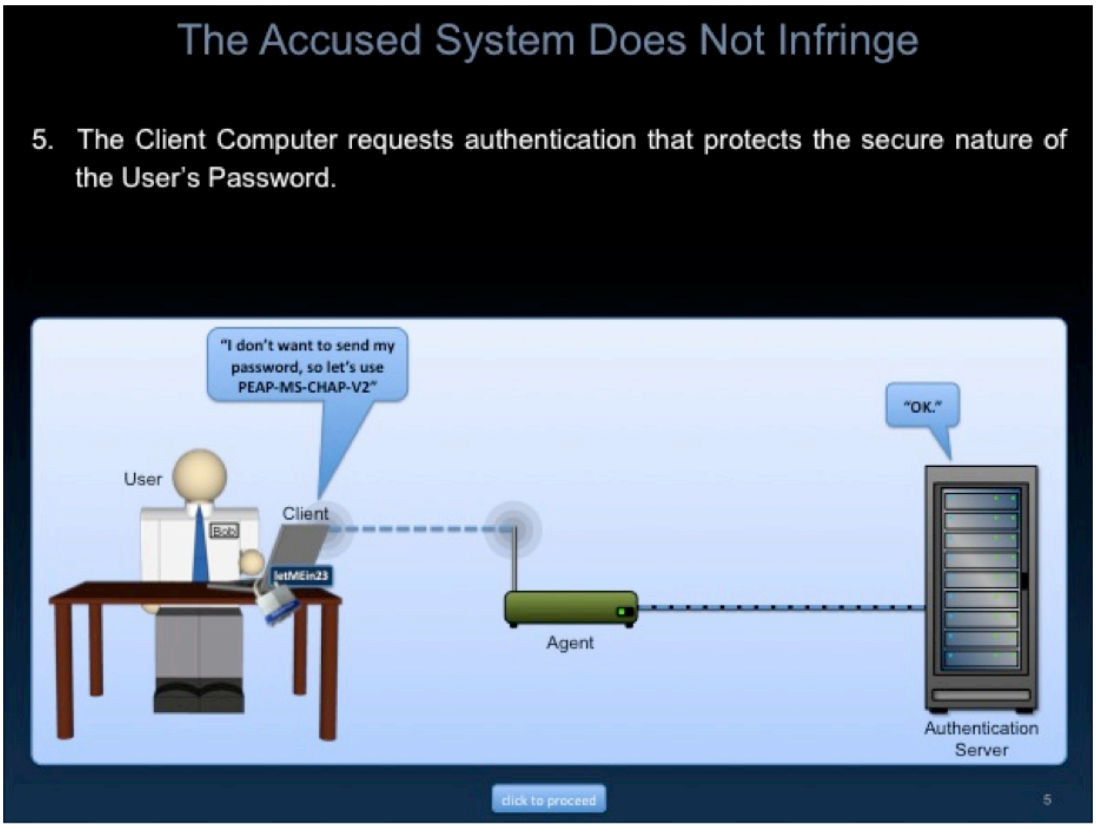


The Accused System Does Not Infringe

3. The Client Computer requests authentication from the Agent and sends the Username to the Agent. The Agent forwards the Username to the Server. The Password is never sent.







Reading the dialogue, we hear our own voice. Unbidden, our brains immediately begin to relate memories, reasoning and emotion to the words. It is possible to read patent language in a dry monotone without inflection or emotion. Dialogue is exactly the opposite. Reading dialogue, whether aloud or silently, we automatically apply changes in inflection, meter and loudness. The words play like a movie soundtrack.

Obviously, it is possible to take anthropomorphism in your presentation too far. Pixar can get away with portraying animated robots as angry or lonely. Who among us has not thought our own computer was behaving belligerently or petulantly when it was not doing what we expected it to do? It would be ridiculous, however, in the context of a trial presentation, to portray our firewall from the example above as being angry when a user tries to exceed her privileges or lonely when no users are connected. Like most things in life, moderation is the key.

I hope that this discussion will prompt you to look at your technical presentations in a new, warmer light. Do you have some good (or bad) examples? Link to them in your response along with your comments. Thank you and good luck!

Jason Barnes, a.k.a. "The Graphics Guy" [jbarnes@barnesandroberts.com] is a graphic designer and trial consultant based in Dallas, Texas. He has been practicing visual advocacy since 1990 and has worked in venues across the country. He specializes in intellectual property and complex business litigation cases. You can read more about Mr. Barnes at his webpage [http://www.barnesandroberts.com].

Citation for this article: *The Jury Expert*, 2009, *21*(5), 24-28.

On civility, racial slurs, graphic pictures & anthropomorphism

Recent days have been filled with news about (very public) rude and/or disrespectful behavior from athletes, celebrities, and politicians. Pundits and pollsters are telling us what it means about our society and about the deepening political divisions in our country. Media outlets are covering the frenzy intently and 'civility' is being talked about as a behavior sorely lacking in our society today. It does make us stop and think about how each of us is responsible for our own behavior and for treating each other with respect.

Our goal with *The Jury Expert* is not only to help you increase your trial skills but also to offer information that helps you pause and ponder from time to time. This issue features diverse and provocative pieces that we hope will make you stop and think about hate crimes, racial slurs, graphic injury photographs, and assault weapons as self-defense tools.

In addition, we have terrific pieces on the contribution of the mediator to the negotiation process; how to identify leaders in the jury pool; the benefits of humanizing complex evidence through anthropomorphism in technical presentations; considering the need for alternative cause strategies in product liability litigation; and a primer of sorts, disguised as our September 2009 Favorite Thing.

Read us cover to cover (or web page to web page)! Tell your friends and colleagues about us. Help *The Jury Expert* travel to offices in venues where we've never been before. And, as always, if you have topics you'd like addressed in upcoming issues, let me know.

--- *Rita R. Handrich, Ph.D.*

The Jury EXPERT
The Art and Science of Litigation Advocacy

The Jury Expert [ISSN: 1943-2208] is published bimonthly by the:

American Society of Trial Consultants
1941 Greenspring Drive
Timonium, MD 21093
Phone: (410) 560-7949
Fax: (410) 560-2563
http://www.astcweb.org/

The Jury Expert logo was designed in 2008 by:
Vince Plunkett of *Persuasium Consulting*

