



Three Critical Components in Litigation Graphic Design That You're Not Doing

by David W. Mykel

AS LITIGATORS, WE ARE STANDING at the edge of another revolution in trial advocacy. In the 1990s and early 2000s, the technology revolution transformed courtrooms around the country into multi-media presentation theaters. The next revolution is going to ensure that audiences are just as engaged as they are at an [IMAX](#): prepare for the Visual Revolution. With almost 70% of the population being visual learners (Deza, Michel Marie & Elena (2009), Encyclopedia of Distances, Springer) and more and more people getting their information from the internet (49% according to [Pew Research Center for the People & the Press](#)), the threshold is near. Knowing this, each and every case that comes through a modern courtroom needs to be told in a visually compelling manner that turns complex facts into a clear and coherent story.

We are dealing with a different breed of audience; one that embraces technology, spends 141 hours in front of a television, and 41 hours a month online (A2/M2 Three Screen Report, Nielsen Media. Vol. 5, 2Q, 2009.). Our audience is pioneering this Visual Revolution and we too need to make this transition by creating an engaging story using multimedia tools to meet the ever changing needs of this modern, visual, and “instant

information” culture. The more effective your courtroom presentation is, the more persuasive your argument is going to be, and the easiest way to accomplish this is with a visual framework and strategy.

In my twelve-year career as a litigation consultant, I have witnessed numerous graphics that have not embraced this ever-changing culture's wants and needs. I have reviewed and critiqued countless visuals that have been carelessly laid out and unintentionally colored, while scrutinizing others that were difficult to read and even more difficult to understand. Visuals have departed from their original, intended purpose of telling a cohesive visual story and have become glorified word processing or a mix of improperly laid out, poorly selected images with an obscene election of colors.

In this day and age of “web-based learners,” our communication strategy needs to be structured and adhere to the same concepts to which our audiences are exposed daily. This article will demonstrate how to implement easy-to-follow tactics into your next presentation and take your communication to the level your audience expects.

Properly Placed Titles and Subtitles in Consistent and Prominent Areas

Placing titles and subtitles in the same spot every time teaches your audience where to look whenever a new visual is introduced. The overwhelming majority of the population reads left to right and top to bottom. Beginning your title in the upper left-hand corner takes full advantage of how your audience learns and educates them where to expect something important to be located. Placing your title and subtitle, which should also be your takeaway, in this strategic position ensures that your audience sees and understands the context and the theme of the graphic first, before other aspects are viewed and considered. We recommend creating two to three template variations that allow for horizontal and vertical positioning of the title and subtitle to accommodate different types of information. Creating a few templates allows more latitude in choosing the best layout to display a variety of documents, images, charts, etc., yet still focuses your audiences' attention to the same location for your theme (i.e. takeaway).

A client on a recent case, commented that “a good demonstrative, can immediately convey a message in a single look,” and in our experience, nothing makes this easier than a perfectly worded and placed title.

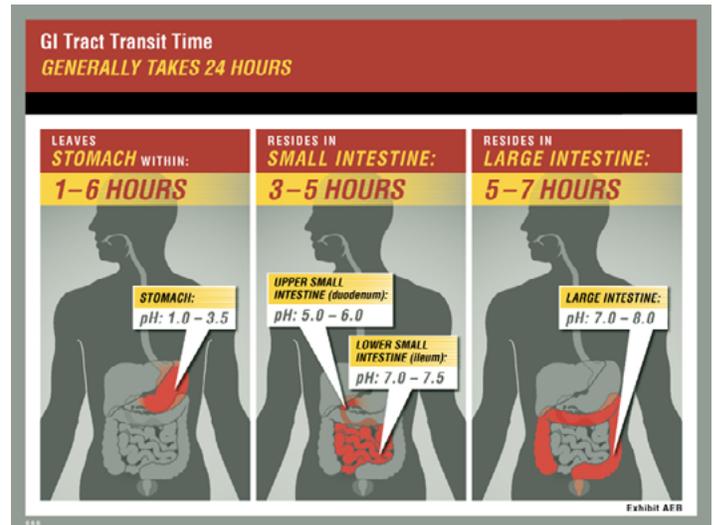
Consistently Formatted Text, Data, and Images



Adhering to the same principles above, it is a smart practice to consistently format text, data, and images. Effective presentations should always support two principles: education and persuasion. Just as we are educating our audiences about our case, we are also aiding/training them to recognize the visual structure of the presentation by teaching the viewer to “know” where to look for important points. Conversely, if you constantly shift where important text, data, and images appear your audience will become confused as to whether or not this data is meaningful, leaving it up to them to decide. Remember, if you don't show your audience how to assess what is important to your case, they will do it for you, and the result

may not be what you wanted or intended.

Presenting information in this fashion enables both presenters and readers to readily ‘find’ critical data during testimony. As communication experts, we know individuals are more likely to be emotionally and/or logically tied to a decision when they themselves have reached it, compared to when another party determines it for them.

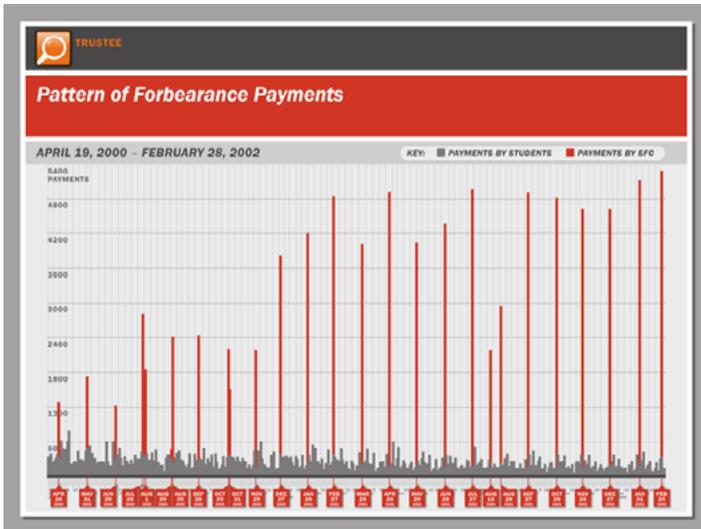


Consistent Application of Color in Diagrams, Icons, Labels, and Backgrounds

Since color plays a vital role in our everyday psychology, it would be irresponsible if we ignored it in our presentations. Color has the ability to influence our feelings and emotions in a way that few other mediums can. Color is a catalyst for affecting human mood, behavior, thinking, and rationale. Color invokes emotions, which is why marketing gurus have been integrating color into their strategies for centuries. Do you think the Coca Cola cans have remained red for decades by accident? If you're thoughtlessly mixing colors throughout your presentation, you may end up unintentionally influencing your audience in the wrong direction.

Claim 1 of the '721 Patent is INVALID BRICH'S PRIOR INVENTION	
ELEMENTS OF CLAIM 1	BRICH'S PRIOR INVENTION
1 A biodegradable high molecular polymer useful as an excipient in producing a pharmaceutical preparation	✓
2 comprising a copolymer or homopolymer of about 50 – 100 mole percent of lactic acid and about 50 – 0 mole percent of glycolic acid	✓
3 having a weight average molecular weight of about 2,000 to 50,000 and	✓
4 wherein the content of water-soluble low molecular compounds, as calculated on the assumption that each of said compounds is a monobasic acid, is less than 0.01 mole per 100 grams of said high molecular polymer.	✓

When creating presentations for our clients, our consultants use blue or green, since it represents honor, trust, and calmness to identify our side of the case. We use the most emotionally intense color, red, for our opposition, because it represents danger and caution. By assigning a consistent color to the parties in a case, we ensure that each side is easily discernible and the point-of-view we're advocating is clearly drawn.



Color can not only be used to differentiate parties, but also to help focus your audience on key information within a graphic. When trying to call attention to something, we utilize yellow highlighting (associated with liveliness and energy) to focus our audience's concentration and let them know "hey, this is important."

Nationally Recognized Statistical Reporting Organizations (NRSROs) Short-Term Rating Categories

S&P's SHORT-TERM RATINGS	MOODY'S SHORT-TERM RATINGS
<p>A-1 Obligor's capacity to meet its financial commitment on the obligation is STRONG. Obligations designated with a plus sign (+) indicate the obligor's capacity to meet its financial commitments is EXTREMELY STRONG.</p>	<p>A-1 Issuers (or supporting institutions) rated Prime-1 have a SUPERIOR ABILITY TO REPAY short-term debt obligations.</p>

Investment Guidelines for the Business Trust require an obligation to be rated in the highest short-term rating category by one of the NRSROs, e.g. A-1 by Standard & Poor's Corp., or P-1 by Moody's Investor Services, Inc.

If the Obligor is rated by more than one NRSRO, each rating must meet the minimum rating criteria.

Source: TX22039, TX22020, TX22023, TX27941, TX28835
0188 TX30079

Colors can be a powerful tool to entice and engage your target audience and when used in a decisive manner, can be the difference between a visual that persuades and a visual that confuses or distracts.

Conclusion

You may notice something "consistent" about these points. Consistency in your strategy, your communication, and your presentation should go hand-in-hand. Grabbing your audience's attention is not simply about communication processes; it is a strategic necessity, and the only true way to do this, is by investing as much time in your visual framework as you invest in your strategy. You could craft the most persuasive themes ever uttered in a courtroom but if you present them in a convoluted and unorganized manner, your case will fall short of your desired verdict. Think of it this way: What good is the perfect oratory presentation if your audience is deaf? Remember, nearly 70% of the population are visual learners, so we need to ensure we are addressing our audience's wants and needs at THEIR level, not OURS.

After completing hundreds of post-trial interviews with jurors, one thing is clear: if we don't supplement our case strategy with compelling, deliberately well-crafted visuals, our audience will be distracted and tune-out, forgetting our themes and dismissing the merits of our case. Following these simple, yet imperative rules will ensure your audience stays engaged throughout your presentation and empowers them to advocate your themes throughout deliberations and verdict. ¹⁶

[David W Mykel](#) is a Litigation Communications Consultant with [VisualLex, LLC](#), a litigation and graphics consulting firm located in New York City serving clients nationwide for over 25 years. Mykel assists clients on high exposure matters where he leverages his litigation experience and background in psychology in order to develop communication and presentation strategies that drive verdicts. From interviewing thousands of jurors and logging countless hours in the courtroom, Mr. Mykel has developed a unique perspective that allows him to utilize the tenets of art and the methodologies of science in order to create litigation graphics and presentation strategies that resonate with both jurors and judges.