

With Designed Exhibits, Substance Trumps Style

Emphasis must be on integrity of fact, to ensure admissibility, as well as on comprehensibility.

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THE PERSUASIVE power of strategically designed exhibits is evident in the fact that jurors often request that such exhibits be present during deliberations. The entire process of conceptualizing and creating exhibits is rife with the potential to crystallize case strategies for trial presentation.

It is important for litigators to keep a close eye on the big picture when preparing a graphic presentation. Every point conveyed to the jury is important, but specific ones can become much clearer as graphic depictions. A simple chart or photo enlargement may be all that is needed. A customized and comprehensive approach to graphics, however, helps convey complex themes and voluminous data. Jurors seem to have more faith in numbers they both see and hear than in those they just hear.

There are great differences between the communications and service needs of litigation clients and those of other graphics customers. For example, the timing and integration are different in the trial preparation process than in a product launch in advertising. Mock ex-

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ercises are a crucial time to test graphic presentations. Once the analysis is complete, there is an adequate amount of time to incorporate the findings and adjust the graphics accordingly.

When viewing a design firm's samples and exhibits, style should not be the first thing noticed. Designers in any field constantly grapple with the less-is-more dilemma, and this premise is especially important in demonstrative graphics. The message should come across immediately and clearly; the emphasis should be on comprehension rather than on aesthetic appeal.

The use of familiar designs borrowed from such sources as newspapers, news broadcasts, commercials and magazines enables the audience to comprehend the message with minimal distraction. The old design school adage "form follows function" is a helpful guide.

Admissibility Over Aesthetics

Visuals are judged purely on admissibility; therefore, design consultants must maintain integrity of fact. Communication between expert witnesses and graphics consultants should be as open as possible, and every iteration of graphics exhibits should be put through a rigorous approval process. This will guard against admissibility questions and contain costs by keeping to a minimum the number of revisions required to arrive at the final version; revisions can be costly.

The function of color should be discernible, deliberate and key to understanding the case facts. Appropriately used, color "codes" information, rather than serving as mere decoration. Graphics experts should be schooled in the science of color, be conscious of the associations that jurors make with each color and be able to explain these associations. True experts do not use a color without a

strategic reason.

Aesthetic appeal should not be understated, however. The ultimate goal is to attract and maintain the attention of often-overwhelmed jurors, and then to persuade them. A good-looking exhibit is undoubtedly more likely to succeed than a text-heavy, ill-composed one.

It is important to distinguish between professional design consultants and reproduction professionals.

Both have their place in the field of litigation support, and attorneys who find a firm that offers both are fortunate. Graphic design consultants can offer ways to communicate visually with emphasis on initial impact and clarity. They are trained to identify key points in an argument quickly, thus setting into motion a team of people who produce exhibits, animations, videos and multimedia presentations.

The graphics team should be able to offer alternatives to certain ideas that are still in the development stage. This will distinguish them from mere takers of orders. The proper presentation of complex information calls for experimentation with a variety of approaches. This could be as simple as changing the orientation of a graph or as complex as changing the presentation medium entirely.

An informed design consultant will help the client determine the most effective media for presenting information. Sometimes the decision not to use graphics is the more sophisticated solution.

Consultants should understand pretrial schedules and deadlines. They should be willing to abandon a good idea for an even greater one, even if it means chang-

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ing an entire series of exhibits well into the development of a case. The response time for any urgent changes should be hours, not days.

If trial testimony significantly affects prepared exhibits, a graphics firm should be willing and able to make last-minute changes seamlessly. A great design team will excel in production and speed within a variety of time frames and deadlines.

With recent advances in personal hardware and software and the Internet, it is difficult not to become enamored of the medium and forgetful of the message. Magazines and journals publish daily features on multimedia, animation and video technologies for use in the courtroom. These widening options, however, should be considered with caution.

If the design team's multimedia system seems mysterious or intimidating, requiring a specialized staff, this may be a sign that it is out-of-date, ineffective or simply inappropriate for trial. A design consulting team should be able to offer the use of video, animation, static exhibits and multimedia, while at the same time adhering to the quality standards mentioned above.

Undeniably, preparation and organization will influence the success of any case. This applies not only to the legal team but also to the consulting team. It is important to know the practical experience of a design firm, such as how many cases in which it has played some part. Consideration of these factors could mean the difference between a mediocre presentation and a compelling one, one leading jurors to a favorable verdict. [E]