



# Show The Story

## The Power Of Visual Advocacy



Review by Anthony J. Skemp

“What the ear may hear, the eye may see.” *Affett v. Milwaukee & Suburban Transp. Corp.*, 11 Wis. 2d 604, 614, 106 N.W.2d 274, 280 (1960). Such was the pronouncement from our Supreme Court over 50 years ago. Since then there have been numerous advancements in technology; advancements that assist trial lawyers in both preparing for and presenting their cases to juries. This book provides trial lawyers with insights into the art of visual storytelling and how to utilize visual aids to help them adequately present their case to a jury in the multimedia era.

The premise of this book is that trial lawyers should not rely on words alone in their trial presentations but supplement those words with visual images. The manner in which a story is presented to a jury has an enormous impact on how that information is received and processed.

According to the authors, “[t]he information we get from our eyes is what we rely on most to make sense of the world.” Such is the focus of Part One of the book. This brief section explains how communication in the modern world has changed. In the age of multimedia communication we are constantly bombarded not only with short sound-bites, but with pictures that accompany those sound-bites.

According to the authors, this age of “instant gratification” from electronic devices and the internet is rewiring our brains and shortening our attention spans. Accordingly, in the age of multimedia communication, words alone are no longer good enough. Jurors now demand to see visuals along with hearing words. Such a presentation engages both the right side (visual) and left side (logical) of the brain. Engaging both the logical and creative sides of the brain results in a more persuasive and memorable presentation.

In order to create a more persuasive and memorable presentation, the authors encourage trial lawyers to start thinking more like film-directors. Such is the focus on Part Two of the book. In Part Two, the

authors utilize classic movies like *Casablanca*, *Star Wars IV* and *Raiders of the Lost Ark* to make several key points and show how thinking like a film director can help you better develop your case and tell your client’s story. (SPOILER ALERT: if you are one of the few people who have not seen *Casablanca*, do NOT read this book.)

One of the ways to do this is to collect images of both the characters and the settings throughout discovery and then sequence those images prior to opening statement. This will allow you to better focus the jury on the decisions and actions of the defendant; the particular character upon whose actions the plaintiff wants the jury to focus.

Thinking like a film director not only helps portray the defendant’s decisions and actions but can also help with presenting the safety rule(s) that has (have) been violated and establishing both the conflict involved and the climactic moments at the heart of the case—just like in a movie:

Like a well-developed character in a film, the ‘characters’ in a trial story are also revealed through their decisions and actions. When presenting a case from the plaintiff’s point of view, it is essential to show the jury the moments when the defendant decides to break the rules. It is also critical that they *see* the moments when the defendant’s actions break the rules. By presenting the story in this way, you can embed the essential facts of a case into the decision and actions of the characters, making it easier for the jury to understand and remember.

What is particularly useful in Part Two is that the authors utilize two of their own cases; a motor vehicle collision and a medical malpractice case, in order to show the reader how best to employ the

methods they espouse in this section of the book.

Part Three of the book, entitled “Visual Tools and Techniques,” is where the authors lose me just a “tad.” While this section offers several good ideas on how to present visual evidence through the creation and use of computer illustrations and animations; and encourages the reader to work closely with the graphics artist to create accurate and compelling visual aids, it is more geared towards those “tech-savvy” individuals or those who are inclined to hire a professional. Therefore, while Part Three offers interesting input from computer-graphic specialists—and provides good suggestions on the effective use of Google Earth—I respectfully submit that its applicability may be limited to the more complicated cases that require the services of a professional illustrator.

Part Four addresses the evidentiary and ethical issues pertaining to the creation and use of visual images. The authors provide insights from the bench as to how to appropriately establish a foundation for the use of this type of demonstrative evidence. The book concludes with two Appendices attempting to “acquaint” the reader with the defense approach to visual storytelling techniques and how those techniques are implemented in the defense case.

Overall, I found the book to be an easy read full of useful information. I am confident that anyone who reads this book will find multiple practical suggestions to employ when considering how to best utilize visual aids during their next trial.