10 Tips For Creating Winning Trial Visuals

By **Kerri Ruttenberg, Jones Day**

Effective visuals require effective design. In her new book, "Images with Impact: Design and Use of Winning Trial Visuals," published by the American Bar Association, trial lawyer and Jones Day partner Kerri Ruttenberg discusses how to design and use visuals to help viewers understand, believe and remember the messages being conveyed. The below 10 tips are culled from her book.

1. Turn key themes into visual images.

Presentations filled with text-heavy slides are overwhelming visually and underwhelming substantively, whether surrounded by colorful swirls and clip art or placed on a simple monotone background. Instead, consider how you can represent your key point visually.
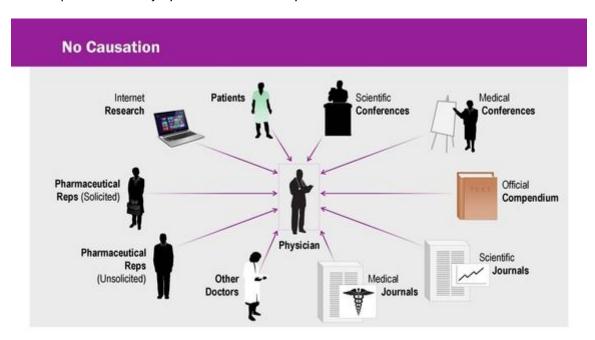
Kerri L. Ruttenberg

For example, in an off-label marketing case in which a doctor learned of the off-label drug use from a variety of lawful sources, avoid the typical instinct to display the sources in a bullet-point list.

Physician Learned of Off-Label Use From Multiple, Recurring Sources

- Other physicians told him about the use
- Patients reported using the drug for an off-label use and feeling better
- Pharmaceutical representatives reported the information on their own and in response to the physician's questions
- The off-label use was discussed at medical and scientific conferences
- Medical and scientific journals reported on the off-label use
- Physician conducted his own internet research on the off-label use and determined it was successful

By instead turning the theme into a picture — here, a doctor literally surrounded by inputs and using as little text as possible — the jury has a visual memory of the theme.

Even if jurors don't remember every input, they'll recall the purple slide with the doctor in the middle and "a lot" of inputs encircling him.

2. Feature one concept per slide.

It doesn't cost more money or take more time to show three points on three slides than it does to show those same three points on one slide. Unless there's an affirmative reason why you want to fill the slide with text or graphics (see tip 3), present each point on a separate visual. Your message will be easier for the viewer to digest, and viewers who might take notes are more likely to do so when they're not overwhelmed with content.

3. Build volume deliberately.

When you do use a busy slide, present it with purpose. While less is often more when it comes to the amount of information on a single slide, sometimes a busy slide — well designed and deliberately presented — can be extraordinarily effective for conveying certain themes. You might want to emphasize "a lot" of something, or visually show that a concept is complicated. Volume can visually drive that point home.

But it still needs to be presented clearly or your audience won't process or remember the information. Everything on the visual takes concentration to sort through and comprehend. When presenting a busy visual, control the flow of information. Reveal and walk through one point at a time, building the volume gradually and controlling the pace at which each piece is received.

Mason Tried 3 Times to Break Free

Mid-December 2000

- Mason asked Steinman to take him off the KCom account
- Wanted off before KCom work geared up in Q1
- Other work pressures; sales was not his group's specialty
- Steinman said no

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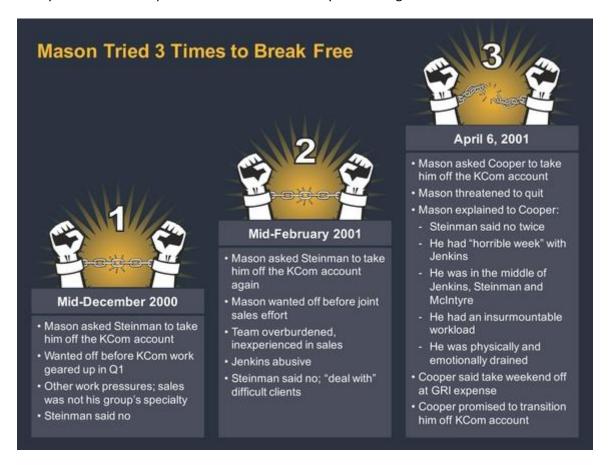- Steinman said no

Mid-February 2001

- Mason asked Steinman to take him off the KCom account again
- Mason wanted off before joint sales effort
- Team overburdened, inexperienced in sales
- Jenkins abusive
- Steinman said no; "deal with" difficult clients

Mason Tried 3 Times to Break Free

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April 6, 2001
- Mason asked Cooper to take him off the KCom account
- Mason threatened to quit
- Mason explained to Cooper:
  - Steinman said no twice
  - He had "horrible week" with Jenkins
  - He was in the middle of Jenkins, Steinman and McIntyre
  - He had an insurmountable workload
  - He was physically and emotionally drained
- Cooper said take weekend off at GRI expense
- Cooper promised to transition him off KCom account

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In the end, you'll have a busy visual to support your key theme — "a lot" or "complexity" — but you'll enhance your viewers' comprehension and retention of your message.
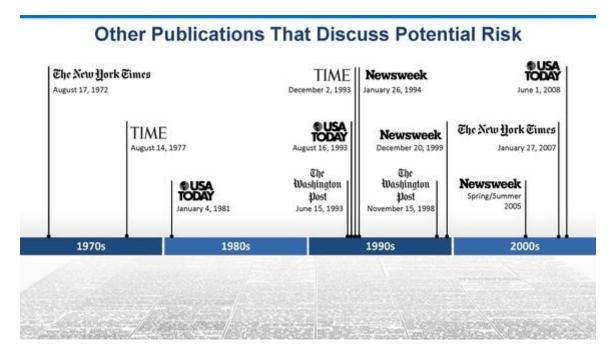
4. When showing visuals, don't talk about something else or paraphrase.

If you show a visual and then talk about something else, you fight with the slide. Jurors must choose whether to comprehend the visual or your spoken message — they can't do both. The point of using visuals is to bolster your communication; your visuals shouldn't replace you altogether or even compete with you. Put only what you need on each visual and give viewers time to focus on it and comprehend it.

5. Consider using timelines for context, not just chronologies.

Timelines can be an effective visual method for telling a chronological story, or even multiple stories at once. But think outside the box. By integrating documents, testimony or even other graphics with a timeline, you can walk the viewer through the support for each event depicted. You can even use timelines to help put other issues into context when your message itself isn't grounded in a chronology.

Or, you can use timelines instead of line graphs to depict trends when your presentation is otherwise heavy with charts and graphs. Regardless of the timeline's substance, minimize its ornamentation and text descriptions and present the events piece by piece to aid the viewer in comprehending each one.

6. Use relevant photographs and graphics.

Photographs and graphics are exceptionally useful presentation tools. They're visual by definition, and they stand out when a presentation is otherwise text-heavy. When presented appropriately, photos and graphics can satisfy all of our communication goals — they aid understanding, boost credibility and increase retention.

Just make sure that when you use photographs or graphics, they're relevant to the topic you're presenting. Irrelevant images fight with your message, and the dissonance is distracting. Rather than listening to you, or even focusing on the substantive message on your visual, the viewer will try to resolve the incongruity between the image and the message. And since they can't comprehend two things at once, your substantive message loses in the struggle. Relevant images, on the other hand, will bolster your message and maintain focus right where you want it.

7. Use animation sparingly, and don't compete with it.

Animation — something moving on the screen — has many legitimate uses in presentations, even in jury trials. Certainly, animation for its own sake, or irrelevant animation in the form of random things zooming, blinking or swirling around on the screen, is almost always a counterproductive distraction. But designed well and used in moderation, animation can help call attention to a location, trace a route, or add context to a visual. Animation can also emphasize or clarify changes to an object, or even to a person.
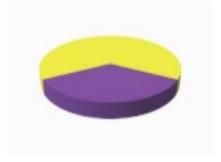

The key when using animation — besides using it sparingly — is to recognize that the viewer will look at what's moving. So, don't compete with it. Either stop talking or talk about what's moving.

8. Beware of misleading visuals.

There are many ways to manipulate the visual display of data, so be on the lookout for misleading visuals. For example, pie and bar graphs with three-dimensional elements can optically distort data. Whichever slice or bar appears closer to the viewer is emphasized and takes up more space simply because it's depicted in three dimensions, and the data it represents may appear larger than it should. Here, the purple pie slice represents the same data percentage in both graphs.

Other examples of common misleading visuals include graphs with unreasonable axis ranges, and graphics with items or events depicted in the right order but failing to account for the magnitude of the differences between them. Visuals can even subtly imply false comparisons, or suggest faulty legal or factual implications. Watch out for these tactics, whether they're presented through a high- or low-tech medium.

9. Maintain design consistency.

Repeating the style of layouts can be critical to the viewer's understanding during a presentation, where viewers don't control the amount of time they have to absorb any one image. Consistency in where information appears from slide to slide helps the audience process that information on each new slide quickly and easily. The viewer can learn the design once and then focus their attention on what changes in the next slide — the substantive message.

That doesn't mean every slide should look alike. And, indeed, sometimes purposeful change — a new background, breaking alignment, changing a color scheme — helps clarify the message and make it memorable. But as a general matter, keep elements like exhibit labels, map legends and photographs in the same place so the viewer doesn't have to hunt around on your slides to find them each time. The less work viewers have to do to figure out a data display, the better.

10. Don't be afraid to go low-tech.

Thanks to high-tech conference facilities, schools and courtrooms, our presentation visuals often will be in the form of slides created with computer software and displayed on screens. But not everything we show our viewer — particularly in a jury trial — needs to be high-tech or needs to be shown in a high-tech way. Whiteboards, flip charts, document cameras (ELMOs) and foam board enlargements have tremendous value, and in some ways even outperform high-tech presentation approaches.

For instance, in the trial setting, enlarged boards may allow for interaction with witnesses or even with the jury. We can approach witnesses with enlarged images so they can mark key information, and walk the enlargement along the jury box during closing argument (all with the court's permission, of course). With a whiteboard or a blank piece of paper on a document camera, we can create visuals right before the viewers' eyes. You may need to plan these seemingly "spontaneous" visuals in advance to avoid running out of space, writing something you didn't mean to write, or creating a freeform map or diagram that confuses more than it clarifies. But the payoff is well worth it, as low-tech options can be tremendously effective for capturing and holding the viewers' interest, especially when they contrast with an otherwise high-tech presentation.

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Ultimately, the effectiveness of our visuals doesn't stem from how many bullet points we can cram into a single slide, how colorful our graphs are, or whether anything moves. Their effectiveness depends on how clearly they communicate our message, and how the visual tone impacts the viewers' perception of our credibility.

Kerri L. Ruttenberg is a trial lawyer and partner with Jones Day based in Washington, D.C. She regularly teaches CLE courses on the effective design and use of visuals. Her book, "Images with Impact: Design and Use of Winning Trial Visuals," is now available for purchase from the American Bar Association. Images reprinted in this article were designed by Kerri L. Ruttenberg ("no causation" graphic; "break free" build), Chicago Winter ("no causation" graphic; animation), Core Legal Concepts (timeline) and Barnes & Roberts LLC ("break free" build).