PowerPoint in the Courtroom
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PowerPoint can make your case more persuasive and memorable for the judge or jury with many features including animation, sound effects, and play back of video testimony. These features can be persuasive but they can also be distracting if not used correctly. This guide will provide a brief introduction to some fundamental concerns and examples for using PowerPoint in the courtroom. Page number references are to *PowerPoint 2002 for Litigators* which comes with a CD-ROM full of useful examples. Additional bibliographies relevant to trial practice including "Technology in Discovery, Evidence and Litigation" and "Trial Practice Resources in Print" are accessible at: http://www.okcu.edu/law/lawlib/library_researchguides.html

Library Resources
Cliff Atkinson, *Beyond Bullet Points: Using Microsoft PowerPoint to Create Presentations That Inform, Motivate, and Inspire* (Microsoft Press, 2005) OCU Call # HF5548.4.M525 A825 2005. The techniques described in this book were used in the Vioxx case by the plaintiff's attorney who won a 253.5 million dollar verdict.

G. Christopher Ritter, *Creating Winning Trial Strategies and Graphics* (Chicago: ABA, 2004) OCU Call # KF 8915.Z9. Contains a CD-ROM of sample graphics.

Deanne C. Siemer and Frank D. Rothschild, *PowerPoint 2002 for Litigators* (Notre Dame: NITA, 2002) OCU Call # KF 8915.P69 (permanent reserve) There are also two copies of *PowerPoint 2000 for Litigators* on permanent reserve.

Deanne C. Siemer, et. al., *Effective Use of Courtroom Technology* (Notre Dame: NITA, 2002). OCU Call # KF 8915.Z9 (permanent reserve).

Deanne C. Siemer and Frank D. Rothschild, *Basic PowerPoint Exhibits* (Notre Dame: NITA, 2003) OCU Call # KF 8936.S55.

Deanne C. Siemer and Frank D. Rothschild, *Argument Slides* (Notre Dame: NITA, 2003) OCU Call # KF 8915.Z9.

Microsoft Office PowerPoint Page:
http://www.microsoft.com/office/powerpoint/default.asp

PowerPoint for Court: http://www.powerpointforcourt.com/

Trial Technology in Oklahoma, OCU Call # KFO 1710.T43 2006.

Electronic Discovery Summit, OCU Call # KFO1737.5.E4 O45 2005.

I would be happy to meet with each of you to help with any PowerPoint problems. Please contact me to schedule an appointment at 208-6030 or lpeoples@okcu.edu

To schedule time to practice with equipment or to discuss equipment or technology concerns contact Law Technology Services at 208-5116 or lawav@okcu.edu

Basic Moves
To start a slide show click on the projector screen icon in the bottom left hand corner of the screen or select view and slide show view.

Advance between slides using the forward and back arrows, spacebar, mouse click or enter keys.

To end a slide show press the escape key.

For more basic moves see chapter three of the *PowerPoint 2002 for Litigators* or stop by the reference office.

Slide and Exhibit Numbers
Slide and/or exhibit numbers will be required by the court, will be useful keeping track of your demonstrative aids and exhibits, and will help create a clear record.

Use a Text Box for Exhibit Numbers
1) With the slide up on the screen click the text box button on the drawing toolbar; 2) Move the mouse over the slide and click approximately where you want the box; 3) Expand the box to the size you want; 4) Type the exhibit number into the box; 5) To format the background or color of the text box place the cursor in the box, left click, and select Format Text Box. Using text boxes as exhibit numbers is discussed on pages 164-165 and slide 15 from chapter 4 provides an example.

Other number options include letting the program consecutively number each slide (pp. 161); Inserting exhibit numbers as footers (pp. 162); Inserting exhibit numbers on photo slides and positioning them consistently (pp. 200-07); and, exhibit numbers for document slides (pp. 258).

The Principles of Information Design[1]
1. There should only be one message per graphic display. The more points you try to make the greater the likelihood of confusion.

2. The fewer words used the better. Compare "Stop Look Listen" with "When you get to the railroad tracks, stop, look up and down the tracks for a train and then listen for a train before you cross the tracks."

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[1] *See* Stephen Bocchino, *et al., What Jurors Want to Hear II: Reverse Engineering the Verdict,* 74 TEMPLE L. REV. 177, 182-85 (Spring 2001) discussing the principles of information design articulated by Edward Tufte.

3. Avoid bulleted lists and instead show how a list of facts leads to an ultimate conclusion by using the form of an addition problem or arrows.

4. Everything on the graphic should have a purpose. Avoid extraneous text, arrows, lines, color or movement that distracts from your purpose.

5. Use trial exhibits as the basis of your displays. If a letter is at issue use the letter instead of words taken from the letter.

6. Use color to convey meaning not for its aesthetic value.

7. Reveal information in a persuasive sequence. If a jury can watch you develop a point with a series of displays they will be more interested in your conclusion than if you display the conclusion before you have reached it.

8. The content of your design should always override concerns of style.

Questions and Answers - Animating Slides (for non-argumentative slides)
Question:
Should the text move in some way as it comes into the screen?
Answer:
Titles usually should not but bullet points could move.

Question:
From what direction should text move and how fast should it go?
Answer:
From left to right as people read this way and it should move fairly quickly as people can read text at a fast pace.

Question:
How should the action on the screen be controlled- by mouse click or timer?
Answer:
By mouse click to give the lawyer complete control.

Question:
Should the text move in some way when it is on the screen?
Answer:
No, this is distracting.

Question:
Should the text move in some way while going off the screen?
Answer: No, it detracts from the credibility of slides when things disappear in strange ways.
(pp. 127)

Formatting Slides
Maintain a consistent style and format. This keeps the judge and jury focused on the substance of what you are saying instead of trying to figure out why you used a fat typeface for this slide, a thin one for this slide, and what kind of subliminal message you might be trying to send them. A different approach should be used for argumentative slides.

Altering Photographs
Chapter 5 has extensive information about altering photographs. You should be prepared to describe to the Court exactly what you have done to a photograph if you have made any changes to it. This includes cropping and resizing photos. (pp. 182)

Deconstructing Slides
You should obtain a copy of the PowerPoint slides, and any accompanying digital files, that your opponent will use and review them for inaccuracies, distortions, and improperly argumentative slides. Carefully comparing photographs, videos and documents to their originals is essential. Pages 508-509 describe some techniques for deconstructing slides.

Displaying Documents on Slides
Displaying documents on PowerPoint slides is an effective way to call attention to specific words or phrases within documents. The following are some tips:

- Outline documents with the smallest line possible as a large outline may look artificial.
- Some computer-projector combinations cut off a small amount of the top, bottom, or sides of a document so leave space to avoid this.
- Underlining text in documents is a great way to bring attention to specific passages. A black line usually is difficult to see so choose a deep blue instead.
- See Chapter 6 for more information about adding lines, arrows, and circles to documents.

Common Slide Designs
You may want to copy or adapt some of the slide designs below for use in your trial. All slides were taken directly from *PowerPoint 2002 for Litigators* and page references are included. The book includes easy-to-follow guidelines on how to create and customize each of these slides. For the purposes of this presentation all images are © 2002 NITA however the book grants permission to lawyers preparing for trial to use the images.
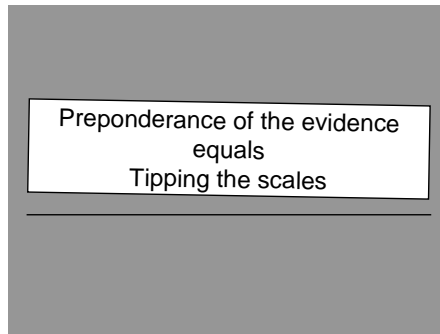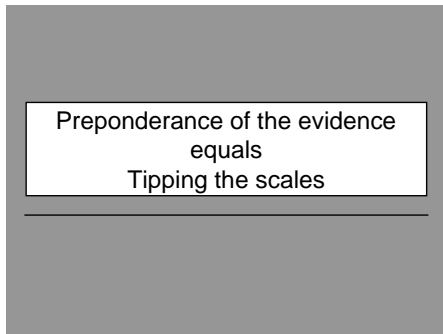
Callouts

Callouts are an excellent way to make a point about sentences or words within documents. See Slide 12, Chapter 6 and Slide 10, Chapter 5 or pages 291-304.
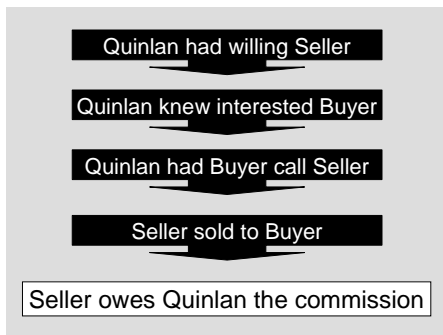
Argument Slides
Argument slides are used during closing argument to persuade. Litigators must be careful to use argument slides only during appropriate times in the trial as they are certain to draw an objection if used improperly. Stylistic techniques used to draw attention to elements of a slide that would not be appropriate during opening statements or direct examination would be acceptable in argument slides. Detailed descriptions of how to construct the slides below are available in Chapter 8 and samples are found on the CD-ROM.
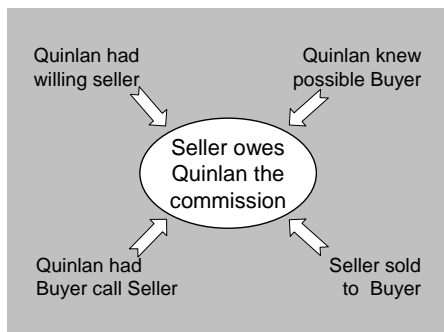
Weight of the Evidence

Preponderance of the evidence equals Tipping the scales	Preponderance of the evidence equals Tipping the scales

These slides use animation to show an ever-so-slight tipping of the scales. Slides 2-3, Chapter 8 (pp. 431-435)

Relationship Charts

Quinlan had willing Seller

Quinlan knew interested Buyer

Quinlan had Buyer call Seller

Seller sold to Buyer

Seller owes Quinlan the commission

These types of charts allow you to highlight key facts that support your arguments. Animation can be added to increase the persuasive value of the chart. Slide 4, Chapter 8 (pp. 436-448).

Quinlan had willing seller

Quinlan knew possible Buyer

Seller owes Quinlan the commission

Quinlan had Buyer call Seller

Seller sold to Buyer

This type of chart is useful for emphasizing that all facts in a case build to a central theme. Slides 6-7, Chapter 8 (pp. 448 – 457).
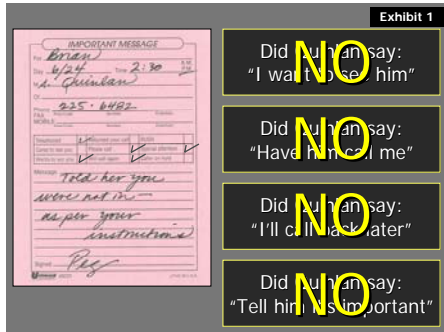
This slide can be very effective for presenting a piece of evidence, in this case the message slip, and demonstrating how it proves or disproves elements of the argument. The slide is animated and appears first with just the message slip showing. Next the elements appear to the right and as the lawyer discusses each element the "NO" flies with each mouse click. Slide 10, Chapter 8 (pp. 479-484).

Decision Trees
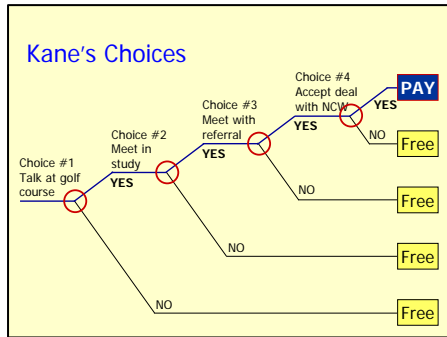
Decision trees are powerful visual aids that demonstrate how a series of choices led to a result. When jurors view paper decision trees they often read ahead and ignores the step-by-step analysis the lawyer uses to demonstrate a point. The lawyer can force jurors to go through a step-by-step analysis by using PowerPoint to animate the decision trees and control the exact time that each element is displayed. Slide 11, Chapter 8 (pp. 485-494).
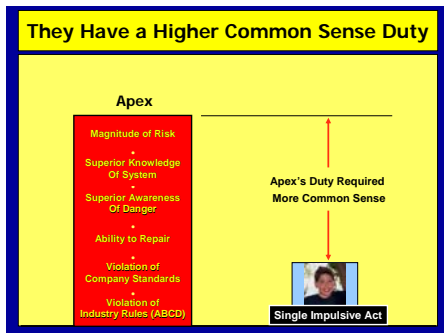
Relative Merit Charts

This chart uses animation to make a powerful argument about comparative negligence. The animation begins with each reason a higher duty exist stacking on-top-of each other in the left hand column. Then the empty space on the right is filled with an arrow and a picture of the victim appearing at the bottom, symbolizing the absence of conduct measuring up to the duty defined on the right. Slide 14, Chapter 8 (pp. 494-500).
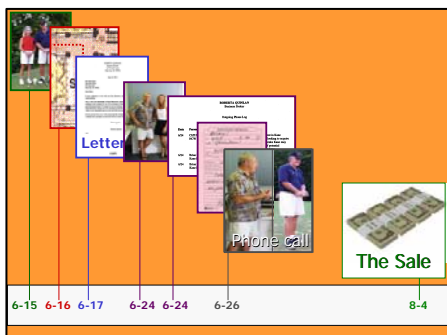
Time Lines

Time lines can be powerful visual aids when the dates and times that events took place are important aspects of litigation. Time lines also remind jurors of how events tie together and reinforce the overall theme of a case. Animation can be used to keep the jury's attention by controlling when elements are displayed. Slide 16, Chapter 8 (pp. 501-508).
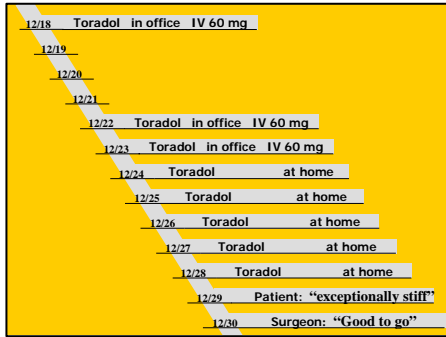
This more traditional time line does not contain pictures but still makes a powerful point about the timing of decisions in a medical malpractice case. Slide 20, Chapter 8.

Attack Slides for Cross-Examination or Closing Argument

Slides illustrating the flaws in the opposing argument are useful but should be used sparingly. A lawyer preparing any slide should always consider how that slide could be turned into an attack slide.

Derogatory Motion

PowerPoint contains animation effects that can make text appear to dwindle, fade away, or crumble. This animation can be effective to show how the opposition did not present evidence to support its contentions. Slide 21, Chapter 8 (pp. 510-514).

Stamps

A simple list of assertions made by the opposition with animated stamps is another effective way of demonstrating weakness in the opposition's case. Slide 29, Chapter 8 (pp. 519-20).

He said - She Said

Comparing and contrasting testimony of witnesses can be accomplished with slides like this. Slide 30, Chapter 8 (pp. 521 – 522).

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Bibliography of Articles on Cognition

Walter F. Abbott, *A Handbook of Jury Research* (1999) OCU Call # KF 8972.H355 1999.

Stephen Bocchino, *et al., What Jurors Want to Hear: Methods for Developing Persuasive Case Theory,* 67 TENN. L. REV. 543 Spring 2000).

Stephen Bocchino, *et al., What Jurors Want to Hear II: Reverse Engineering the Verdict,* 74 TEMPLE L. REV. 177 (Spring 2001).

Doar.com is a private jury consulting and courtroom technology firm that provides access to some interesting research and articles on jury research and the use of graphics from its' website: http://www.doar.com/resource/index.shtml

Gary S. Gildin, *Reality Programming: Lessons for Twenty-First Century Lawmaking*, 31 STETSON L. REV 61 (Fall 2001).

Nancy S. Marder, *Juries and Technology: Equipping Juries for the Twenty-First Century,* 66 BROOK L. REV. 1257 (Summer 2001).

Edward R. Tufte, *The Cognitive Style of PowerPoint*, available for purchase at: http://www.edwardtufte.com/tufte/ (interesting article that criticizes the way PowerPoint forces users to display information and argues that the Columbia Space Shuttle disaster was due in part to the way Boeing presented information to NASA in PowerPoint slides).

Edward R. Tufte, *Envisioning Information* (1990). Discusses the principles of information design.

Theresa A. Webster, *The Creative Side of Law: Techniques and Advice for Creating Effective Trial Graphics,* 80 MICH. B.J. 38 (March 2001).

Additional AV Equipment Available for Use

> DIGITAL PROJECTOR – for projecting images such as a VCR, laptop or document camera onto a large screen for viewing (requires portable screen)
> DIGITAL DOCUMENT CAMERA (ELMO) – to project a document (paper or transparencies) or 3D object onto a screen for viewing   (requires digital projector and screen)
> OVERHEAD PROJECTOR – to display transparencies onto a screen. (requires portable screen)
> SLIDE PROJECTOR – for viewing slides on a screen (requires portable screen)
> PORTABLE SCREEN – for use with above equipment
> LAPTOP WITH FLOPPY DRIVE – Internet access available – can be used with digital projector
> LAPTOP WITH DVD/CD-ROM DRIVE – Internet access available – can be used with digital projector
> SPEAKERS FOR LAPTOP – for presentations that require audio other than built-in speakers

TV/VCR COMBO (25" OR 27")
VCR (for use with projector and screen – requires portable sound system for audio)
PORTABLE SOUND SYSTEM (required for VCR or other instances where external sound is needed)
CAMCORDER (DIGITAL 8 – can make VHS or DVD copies)
CAMERA TRIPOD (for use with Digital 8 camcorder)
TAPES – VHS (for making copies)
TAPES – DIGITAL 8 (90 min. per tape)
SMALL PORTABLE SOUND SYSTEM WITH LAVALIERE MICROPHONE – for vocal sound reinforcement only
CASSETTE PLAYER (may require portable sound system for large events)
SMART BOARD (for use with laptop and projector)
CHALK BOARD
EASELS (with writing tablets attached)
EASELS (no tablets – for displaying signs, etc.)