PROGRAM MATERIALS
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Trial Demonstrative Exhibits and Their Role in Laying a Proper Foundation During Trials

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CALIFORNIA TECHNICAL MEDIA:
VISUAL PRESENTATIONS IN TRIAL - CLE SUBMISSION PACKET

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PROGRAM TITLE
Visual Presentations in Trial (Trial Demonstrative Exhibits and Their Role in Laying a Proper Foundation During Trials)

PROGRAM DESCRIPTION

This Continuing Legal Education (CLE) program explains how visual presentations function as a litigation tool for teaching and persuasion. It begins with the premise that litigation is a battle of meanings: facts exist in the world, but legally significant meanings are constructed in the mind, and those meanings drive case outcomes.

The program focuses on why visuals work when factfinders face dense, technical, and contested information under time pressure, with interruptions and competing stories.

It covers cognitive architecture and cognitive load, including how well-designed visuals reduce extraneous load and make structure apparent at a glance.

It also explains how visual presentations support case theory through framing, definitional control, and deliberate visual hierarchy.

On the practical side, the program teaches complexity-management techniques (segmenting, progressive disclosure, recall management) and shows how to build demonstratives that are credible and defensible: witness-centric authentication, transparency about sources and assumptions, and early planning for foundation. Finally, it presents a usable workflow and an operating system-style checklist: decision-first design, asset mapping, legal posture classification, defensibility review, and delivery planning.

LEARNING OBJECTIVES

By the end of the program, participants will be able to:

1. Explain the core job of trial visuals as teaching and persuasion and articulate what a given visual is supposed to resolve, invite, and support.
2. Apply cognitive-load principles to reduce juror confusion and increase comprehension, recall, and accuracy.
3. Align visuals with case theory by controlling framing, labels, and visual hierarchy so that visuals reinforce the intended narrative.
4. Use complexity-management techniques (segmenting and progressive disclosure) to teach standards, mechanisms, and causation without overload.
5. Plan and defend demonstratives through witness-centric authentication, source transparency, and a structured defensibility workflow (asset map, legal posture, foundation planning).

TIMED AGENDA (60-Minute CLE Program)

00:00 - 10:00 - Introduction and overview

- Litigation as a battle of meanings
- What visual work actually does (beyond “graphics”)

10:00 - 20:00 - Fundamental mechanisms: why visuals persuade

- Teaching and persuasion sequence
- Cognitive load: reducing extraneous load and making structure apparent

20:00 - 30:00 - Strategic control of narrative and meaning

- Case theory support
- Framing, definitional control, and visual hierarchy

30:00 - 40:00 - Comprehension and complexity management

- Segmenting and progressive disclosure

- Teaching standards, mechanism, and causation
- Recall management in longer matters

40:00 - 50:00 - Credibility, foundation, and defensibility

- Witness-centric authentication
- Source transparency and “boundaries of the claim”
- Defensibility workflow and legal posture planning

50:00 - 60:00 - Q&A and wrap-up

PRESENTER BIOGRAPHY

Ari Zahavi, J.D., is CEO of California Technical Media. He has 20 years of experience supporting litigators in complex matters and has created, produced, or led over 1,600 visual matters. His work often involves cases where sequence, process, and systems must be understood clearly, including injuries, premises liability, medical matters, patent disputes, shootings, industrial accidents, and business or financial matters.

COURSE MATERIALS INCLUDED

Participants will receive the following supplementary materials:

- Visual Presentations in Trial - CLE handout (20 pages)
- Presentation slide deck (approximately 20 slides)

CONFLICT-OF-INTEREST DISCLOSURE & LEGAL DISCLAIMER

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Visual Presentations in Trial

Ari Zahavi, J.D.
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The Core Premise

"Litigation is a battle of meanings."

Facts exist in the world. Meanings are created in the mind. The side that controls understanding wins.

The Challenge of Understanding

Jurors face a genuinely difficult task:

- Two competing versions of events
- Two competing versions of meaning
- Constant interruptions and confusion

The side that provides a coherent, comprehensible picture gains a significant advantage.

SECTION I

Fundamental Mechanisms

Why Visuals Persuade

The "Job" of Visuals in Litigation

Visuals work when they move the factfinder through a sequence:

1. Notice
2. Understand
3. Remember
4. Trust
5. Feel significance
6. Decide

The side that supplies the first coherent mental model often defines what later evidence "means."

Cognitive Architecture

Limited Working Memory

People can only manipulate limited information at once. Good visuals reduce extraneous load so jurors can focus on what matters.

Picture Superiority Effect

Pictures are remembered better than words. If something must survive into deliberations, it needs an image-based anchor.

SECTION II

Strategic Control of Narrative

Framing and Meaning

Visuals Support Case Theory

A visual plan is a mapping between:

Elements & Themes ⟷ Juror Tasks Required

Have a small number of major themes and return to them repeatedly. In long trials, jurors need organization and visuals are the backbone of that organization.

Framing & Visual Hierarchy

Framing Controls

- What is inside vs. outside the story
- Where the story begins and ends
- What level of detail is shown
- Which comparisons are made

Hierarchy Determines Focus

- Timeline dominates → sequence/delay
- Document dominates → knowledge
- Anatomy dominates → injury mechanism
- Verdict questions → decision steps

SECTION III

Comprehension & Complexity

Managing Information

Reducing Complexity

Segmenting

Break complex explanations into discrete steps. Each visual answers exactly one question.

Progressive Disclosure

Reveal information only as needed. Prevent premature interpretations of complex visuals.

Recall Management

Repeat themes, maintain consistent vocabulary, use callbacks and anchor images.

Teaching Technical Content

Design distinct visuals for each step:

1

Teach the Standard

Rule cards, checklists, "what safe practice requires"

2

Teach the Mechanism

How the system works, what went wrong

3

Teach Causation

Causal chains, barrier models, "but for" links

SECTIONS IV & V

Credibility & Decision Architecture

Building Trust, Driving Verdicts

Credibility as a Design Objective

The jury must believe you are showing reality. Credibility drivers:

- Transparency
- Proportionality
- Restraint
- Accuracy

Cite sources on slides. Show scale and axes. Label what is measured vs. assumed. Avoid false precision.

"Start at the Finish"

Design visuals backwards from the verdict form and jury instructions.

Decision-first design means:

- Identify each required element and burden
- Identify what jurors must conclude to satisfy it
- Build visuals that make that conclusion easier to reach

SECTIONS VI & VII

Applications & Visual Types

Where and How Visuals Help

Where Visuals Help: People

Your Trial Team

Helps understand the case differently, catches missing information

Mediators

Signals case strength and trial readiness

Opposing Counsel

Changes settlement calculus when they see what jury will see

The Jury

First coherent mental model defines what later evidence means

Types of Visual Structures

Time Structures
Sequence, knowledge, opportunity

Causation Structures
Chains, barriers, "but for" links

Mechanism Structures
How it works, where it failed

Spatial Structures
Distance, visibility, movement

Comparison Structures
Should-have vs. did, before/after

Quantification
Money, frequency, duration

SECTIONS VIII & IX

Design, Execution & Process

Principles and Workflow

Design & Execution Principles

Legibility

Account for slide design and courtroom constraints: distance, glare, limited attention.

Pacing

Alternate simple conclusions with evidence slides. Avoid unbroken density.

Consistency

Same fonts, colors, structures. Signals professionalism and supports recall.

Iterative Workflow

1. Case theory, narrative, theme language and vocabulary
2. Evidence map and element map
3. Prototypes designed and tested for comprehension
4. Expert and witness review for accuracy
5. Finalized visuals
6. Courtroom rehearsal and tech redundancy

SECTION X

Visual Strategy Operating System

A Usable Synthesis

The Six-Step Framework

Step 1

Decision Model

Step 2

Factfinder Mind Targets

Step 3

Visual Asset Map

Step 4

Legal Posture

Step 5

Defensibility

Step 6

Delivery Engineering

Thank You

Questions About the Presentation?

About the presenter

Ari Zahavi, JD, CEO of California Technical Media. I have 20 years of experience supporting litigators in the battle of meanings, having worked on over 1,600 visual matters. I often work on cases where sequence, process, and systems must be understood clearly: injuries, premises liability, medical matters, patent disputes, accidents of all kinds including industrial accidents, as well as financial and business matters.

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Visual Presentations in Trial

An Introduction

Litigation is a battle of meanings.

Facts exist in the world. Some are disputed, some are accepted, but they have at least more or less happened in reality. Meanings, however, are wholly created in the mind. Is this an accident or deliberate action? Is this carelessness or the best option available? Is this justified or outrageous? The facts may be the same, but the legally significant meanings constructed from them change case outcomes.

Litigation is, in large part, the work of collecting and organizing facts and creating legally significant meanings from them. And many people need to understand these meanings: your own trial team, mediators, claims adjusters, opposing counsel, and ultimately the judge and jurors. Creating – or we may say discovering - the right meanings and controlling their understanding among all relevant parties is what this presentation, and what my work, is fundamentally about.

The Challenge of Understanding

Consider the position of jurors. They arrive to make sense of something complex, and everything seems designed to make that harder. They receive two competing versions of events, two competing versions of what those events mean. The proceedings are long. They can be tedious. People constantly interrupt each other, try to confuse each other, try to make each other look wrong or foolish. Jurors are in a genuinely difficult position when it comes to understanding a case, and the parties are not helping (albeit by design).

They are grateful when someone helps them understand instead of further confusing them. The side that provides a more coherent, comprehensible, memorable picture of the case – and one that appears fair and believable – gains a significant advantage. People on the jury want to be able to say, honestly and with a clear conscience, *I agreed with this side because I believed them*.

Most jurors, I believe, try to judge by conscience rather than acting as advocates for one side. For them to do that, they need a version of events that their conscience can accept. They need something that makes sense. Visual presentation, done well, is one powerful way to give them that.

What Visual Work Actually Does

Many people fixate on the graphics themselves – the timelines, illustrations, animations and see them as discrete units, separate deliverables. But the graphics are not the point. The point is that success in litigation depends substantially on different people understanding the case. And cases are usually complex.

The facts themselves are often complicated: systems, sequences, processes, actions, technical nuances that matter. These need to be understood correctly by many different people, starting with your own trial team.

When we prepare visual presentations, it helps you and your team to understand the case differently. You might conceptualize something one way, but a visuals expert – who is both an expect in visual communication and a fresh set of eyes – can show you a nuance you haven't considered. That nuance might help you refine an argument, improve a colleague's understanding, or catch something that was missing.

Visuals as a Filter

In words, you can say something approximately and it sounds approximately right. Visuals require precision.

Imagine I tell you: a bike path in a park on January 27th. You can picture it, roughly. But visuals force precise understanding. What does it look like? What are the dimensions? Day or night? January in California or January in Minnesota?

Even a simple chart or table demands precise information and exact answers. Notably, I often saw that information missing as teams prepared for litigation, sometimes close to trial. Documents weren't provided or available, facts didn't work together, something was forgotten, there was a gap no one noticed. Our work caught that countless dozens of times over the decades. It's good that we did: the process of designing and creating visuals catches these problems early, when they can still be addressed.

Visuals can also reveal when testimony doesn't hold up. We had a case involving two police officers who went to a man's home and shot him. There was bad blood between one of the officers and the decedent. The decedent had minor – but genuinely minor – run-ins with the law. The officers claimed the man reached for a gun, so they fired in self-defense. When we reconstructed their testimony in three-dimensional space, it became clear the officer was twenty feet away, on the front lawn and not in immediate proximity at all.

The officers' testimony sounded good but the 3D visualization showed what the words had obscured.

Serving Multiple Audiences

Visual presentation serves every party who needs to understand your case.

Mediators need to understand that you have a strong case. In settlement negotiations, opposing counsel needs to understand two separate things: that your case is strong, and that you are ready for trial. A polished, structured, ready-to-go visual presentation signals both. It shows that you could present this to a jury next week.

Opposing counsel can use your visuals to anticipate how arguments will be perceived at trial. We have illustrated accidents, for instance, reconstructing events in three-dimensional space. One side prepared an emotional day-in-the-life – here is the injured breadwinner, here are the pills they take every day, and here is the physically active life before. But when you reconstruct the events in 3D and show complete, mind-boggling carelessness at a job site, it casts everything in a different light.

Opposing counsel can sometimes use some humility and we are ready to oblige.

My Approach

I approach trial visuals as a tool for your litigation, not as an end in itself. It is a tool for risk mitigation. It can make a case shorter – or longer! – *as needed*. It serves as an internal filter for your team to see facts and meanings from a different angle. It helps parties find common ground in settlement negotiations.

This has been my career for twenty years and I've created, produced or led *over 1,600 visual matters*. My specialty is complex visuals – 3D animations and reconstructions – for cases involving sequence, process, and systems: injuries, premises liability, medical matters, patent disputes, shootings, industrial accidents. Cases where something technical happened and needs to be understood.

But it is about much more than the graphics. The end result will naturally be visual presentations, from simple illustrations to IP technology tutorials and everything in between. But the thinking and approach behind them is not self-evident from the deliverables alone.

Perhaps ironically, after twenty years of making trial visuals, I see them as not being about graphics at all. They are about creating understanding and helping you win the battle of meanings.

Ari Zahavi, J.D., 2026

I. Fundamental mechanisms and why visuals persuade

1) The "job" of visuals in litigation: teaching and persuasion

Visuals as tools that solve predictable factfinder problems. Jurors and judges must process unfamiliar, technical, and contested information under time pressure, with interruptions, objections, and competing stories.

Visuals work when they are designed to move the factfinder through a sequence: notice the right thing, understand what it means, remember it later, trust the presenter, feel the human and moral significance, and then apply that understanding to verdict questions.

Visuals are for teaching and not only showing: persuasion through comprehension. The side that supplies the first coherent mental model often defines what later evidence "means," because later facts get interpreted inside that model rather than from scratch.

For every visual, a litigator should be able to state:

- what confusion it resolves,
- what inference it invites,
- what memory it plants, and
- what decision step it supports.

2) Cognitive architecture

A. Limited working memory and cognitive load

People can only actively manipulate a limited amount of new information at once. Cognitive Load Theory explains this as a limited capacity working memory that must process novel material before it can become stable long-term knowledge.

So, when testimony is dense, ambiguous, or full of jargon, jurors will either simplify it themselves (often incorrectly) or disengage. Cognitive Load Theory distinguishes intrinsic load (the complexity inherent to the material) from extraneous load (complexity caused by how the information is presented). Good visuals reduce extraneous load so that jurors can spend their effort on the intrinsic problem.

If a trial graphic is "busy," it increases extraneous load by forcing the factfinder to hunt for what matters: legends far from labels, tiny text, multiple concepts at once, and unnecessary stylistic elements. A visual succeeds when it removes search and makes the relevant

structure apparent. Jurors are not studying the case at their leisure at home but are being hit with information in real time, your presentation design must make the structure self-evident at a glance.

B. Pictures are remembered better than words

Call it the picture-superiority effect: pictures, all else equal, tend to be remembered better than words. Dual coding theory explains that images often get encoded both as an image and as words, creating more retrieval paths than purely verbal material. So, if something must survive into deliberations, it needs an image-based anchor, not only a spoken explanation. It implies converting the decisive idea into a stable, simple visual form that jurors can recall and describe to each other later.

II. Strategic control of narrative and meaning

1) Visuals should support case theory

Case theory is a causal story that explains what happened, who made choices, what rules applied, and why the outcome is legally significant. It is persuasive when it can be turned into and presented as an element-by-element visual plan. Visuals are very efficient to do that because they allow the lawyer to build a repeatable structure that continues across witnesses.

A visual plan is a mapping between

(a) elements and themes, and

(b) the specific juror tasks required to accept them.

For example: if negligence turns on a safety standard, the visual plan must teach the standard, show the violation, and show the causal path to harm. If the plan is only a timeline, the case may still fail because timelines do not automatically teach duty, breach, and causation.

It's good having a small number of major themes and returning to them repeatedly. In long trials, jurors need organization and visuals are the backbone of that organization.

2) Framing and definitional control through visuals

Framing is the selection of what the factfinder treats as the reference point. Visuals frame by deciding:

- what is inside the boundary of the story and what is outside it,
- where the story begins and ends,
- what level of detail is shown,
- which comparisons are made.

If a plaintiff shows an “opportunity timeline” (windows when the defendant could have acted), the case becomes about missed chances and preventability. If a defense shows a “complex system map” with many actors and uncertainty, the case becomes about ambiguity and distributed causation. Both can be factually grounded. The difference is which meaning the evidence is invited to carry.

There is also definitional control. Labels on visuals act as definitional anchors. If jurors repeatedly see “crash” versus “incident,” or “safety rule” versus “guideline,” the label becomes the default category in deliberation.

It’s good to maintain language discipline across the entire presentation and to have a case vocabulary, because meaning shouldn’t be left to chance.

3) “Visual hierarchy” as narrative hierarchy

Since litigation is a battle of meanings, a hierarchy of your case’s visuals can work as meaning control. In a jury’s mind, what is largest, most isolated, highest contrast, repeated most often, and shown earliest becomes the center of the story. Hierarchy determines what feels like the main fact versus background context.

For example:

- If the timeline dominates the screen, the case becomes about sequence and delay.
- If the document excerpt dominates, the case becomes about knowledge and credibility.
- If the anatomy dominates, the case becomes about injury mechanism.
- If the verdict questions dominate, the case becomes about decision steps.

It is of course up to the lawyer to decide the narrative hierarchy first, then design visual hierarchy to match it. This is important because if hierarchy is accidental, the visuals can tell a story different from the lawyer’s words.

4) Counter-control: anticipating and defusing opponent visuals

It's good to plan not only your own visuals but also the opponent's. This is because the opponent's visuals can become the jury's default model if left unanswered.

For example, offer an alternative coherent model early. If you wait until cross-examination to "poke holes," jurors may stay anchored to the opponent's model because it is the only complete one they have.

Alternatively, identify the assumptions in the opponent's visual and force those assumptions into explicit words: "What data supports that arrow? What is the scale? What is omitted? What alternative placements would change the conclusion?" This turns a persuasive depiction into a debatable claim.

Pro tip: you can defeat a visual by exposing its structure and assumptions.

III. Comprehension and complexity management

1) A practical definition of good visuals

A good trial visual is one that improves the trier of fact's ability to accurately process evidence and apply the law. It is defined by function. We can ask: after showing the visual once, can a juror restate the point in one sentence without the lawyer? If not, the visual did not teach.

2) How you can reduce complexity

A. Segmenting

Segmenting means breaking a complex explanation into discrete steps that each have a clear micro-conclusion. Instead of "here is the entire system," we can show: how the system normally works, then the first failure point, then the downstream consequences. Segmenting reduces working memory overload because jurors do not have to hold the entire mechanism in mind at once.

We can have a sequence of visuals, each answering exactly one question. Multiple ideas on one slide allow jurors to choose the wrong idea as the main point, or to build unintended connections between points. You can therefore not only control comprehension but control inferences.

B. Progressive disclosure

Progressive disclosure is the method of revealing information only as needed. You can prevent jurors from forming premature interpretations of complex visuals by letting them see only the part relevant to the current testimony.

3) Teaching standards, technical processes, and causation

Technical cases force a tradeoff between scientific precision and lay comprehension. You can manage this tradeoff by separating and designing distinct visuals for each step:

1. **Teach the standard**: what rule, protocol, policy, or professional norm is supposed to govern conduct. This is where rule cards, step checklists, and "what safe practice requires" diagrams live.
2. **Teach the mechanism**: how the system works and what went wrong. This is where sequence boards and simplified schematics live.
3. **Teach causation**: how the failure produced the injury or loss. This is where causal chains, barrier models, and "but for" links live.

Each visual should be linked to specific evidence and witness testimony. It's important to remember to make visuals that can be authenticated as fair and accurate illustrations of testimony or admitted data.

4) Long trials: recall management

In long trials, jurors are not deciding each day. They are accumulating fragments and then synthesizing at the end. There is a risk of interference: later details overwrite earlier ones, and jurors forget what mattered. Visual strategy in long trials should include recall management:

- repeat a small set of themes,
- keep a consistent visual vocabulary,
- use callbacks so jurors see the same anchor in different contexts.

To help with this, it's good to maintain both visual consistency and vocabulary consistency, consistent formatting, and to have anchor images. This kind of repetition helps recall during deliberations.

IV. Credibility

1) Credibility as a separate design objective

Litigation visuals have several separate objectives. Naturally: comprehension and persuasion. But the jury must also believe you are showing reality. Credibility has its own drivers: transparency, proportionality, restraint, and accuracy signals. I think visuals that are clean, legible, accurate, supported and restrained are persuasive and well-received.

2) Witness-centric authentication: credibility begins with foundation

A demonstrative is persuasive when it becomes part of the witness's explanation. It's important to

- involve the testifying expert or witness early,
- ensure the witness can explain how the graphic was made,
- ensure the witness can point to the underlying data or exhibits.

I mention preparedness and collaboration of the trial team throughout my presentation: here with witness-centric authentication and elsewhere with trial team roles and visual hierarchy. My experience shows, though, that not all cases are given enough time to do this (meaning: trial team collaboration) as well as it could be. Sometimes visuals are produced truly in the last minute, and sometimes that's all there is. But if sufficient time is available to work on the visuals and collaborate with others on the trial team, the final work product is more effective. When possible, it is a good idea.

3) Defensibility and credibility through restraint and source transparency

The most defensible courtroom visuals communicate what they know, and what they do not know. Credibility rises when you show the boundaries of your claims, for example:

- cite sources directly on the slide when feasible,
- show scale and axes,
- label what is measured versus assumed,
- avoid false precision (like overly specific numbers without basis).

It helps to defend against claims of distortion, oversimplification, and prejudice, even when the visual is helpful.

V. Decision and verdict architecture

1) "Start at the finish": decision-first design

You can design visuals backwards from the verdict form and jury instructions. We can think about a trial as a decision system leading to answering specific legal questions with specific burdens.

Decision-first design means:

- identify each required element and burden,
- identify what the juror must conclude to satisfy it,
- build visuals that make that conclusion easier to reach based on the record.

This is related to what we saw earlier: decide the narrative hierarchy first, then design visual hierarchy to match it. Purposefully design visuals of the entire case leading up to one specific set of conclusions.

2) Damages and quantification

Damages visuals are translation tools. Their function is to convert time, frequency, and magnitude into decision-relevant structure. The most effective damages visuals typically do three things:

- make duration visible (years, months, daily routines),
- make frequency countable (treatments per week, pills per day),
- make categories legible (past vs future, economic vs non-economic).

VI. Where visuals help

Visuals are helpful long before they ever reach a jury. In fact, most cases settle, and the jury never sees them at all. But that does not mean they did not matter.

1) People

During trial preparation, visuals help your own team understand the case better. When you prepare graphics, you are forced to think precisely. A graphics specialist is both an expert in visual communication and a fresh set of eyes. He may show you a nuance you had not considered, one that helps you refine an argument or catch something missing.

Visuals specialists act as a filter. To create accurate visuals, they need complete information. They will ask for all the documents, all the specifics. It sometimes turns out that those specifics are missing. An expert forgot to provide something, or a document got list or there is a gap no one noticed. Graphics require precision in a way that words do not. In words, you can say something approximately and it sounds approximately right. Visuals expose it and help keep your case more watertight.

Visuals help you see the case through other people's eyes. A visuals expert who has worked on hundreds of cases can show you how the facts might look to someone encountering them for the first time, which is exactly the position your mediator, opposing counsel, and jury will be in.

Visuals influence the mediator. A mediator who sees a polished visual presentation understands two things: that you have a strong case, and that you are prepared to take it to trial. Both signals matter. The mediator factors preparation and presentation quality into how they approach the negotiation.

Visuals influence opposing counsel at settlement. Opposing counsel can look at your visuals and anticipate how arguments will be perceived at trial. When you reconstruct events in 3D and show mind-boggling carelessness at a job site, opposing counsel sees what the jury will see. That changes the settlement calculus.

And finally, the jury. The people on the jury arrived to the case with more or less a blank slate. They are open to learn what happened and its legal significance. As they try to learn in real time, opposing parties give competing facts, certainly competing meanings, sometimes confuse and mislead to varying degrees. The side that supplies the first coherent mental model often defines what later evidence means, because later facts get interpreted inside that model rather than from scratch. Well-designed presentations support litigators to win the battle of meanings.

2) Cases

a) Personal injury and trucking

Visual priorities tend to be:

- time and preventability (opportunity timelines),
- safety rules and policies (rule cards),
- causation mechanism (biomechanics, medical illustration),
- damages concretization (future care burden).

Defense often counters with alternative causation models, uncertainty visuals, and comparisons that normalize or minimize claimed harm.

b) Medical malpractice

The hardest challenge is teaching a standard of care without turning the trial into a medical lecture. Effective visuals often:

- map decision points (what should have been checked, when),
- use simplified anatomy to show the specific mechanism,
- tie each deviation to an avoidable outcome.

Defense challenges often focus on complexity and hindsight bias: “medicine is uncertain.” Plaintiff visuals must avoid the appearance of retrospective certainty unsupported by records.

c) Products liability

Key visual domains:

- how the product is supposed to function versus how it failed,
- warnings and labels comparisons,
- alternative design concepts (with careful foundation),
- corporate knowledge timelines.

Defense attacks often target alternative design visuals as speculative or as assuming facts not in evidence.

d) Commercial and contract

Visuals skew toward judge-friendly comprehension:

- money flows,
- organizational charts,
- email and document timelines,
- contract term callouts.

Emotion plays a smaller role; clarity and credibility dominate. The best visuals in these cases often look like structured analysis rather than advocacy theatre.

e) IP and patent

Visuals are often technical and structured:

- claim charts,
- system architecture diagrams,
- prior art comparisons,
- product operation animations (with careful methodology).

Audience sophistication may be higher in some venues, but cognitive load still matters. Even sophisticated jurors can be overwhelmed by dense diagrams shown too quickly.

VII. Tactical patterns and typologies of litigation visuals

1) Time structures

Timelines show sequence, knowledge, and opportunity. Timelines can emphasize:

- decision points (who knew what when),
- delays (time lost, opportunities missed),
- convergence (multiple actors' actions converging into harm).

Like any graphic, timeline design should support the case theory: either "predictable preventable sequence" or "complex uncertain cascade." It is important that the people producing visuals know this. It is not infrequent where these decisions are left to chance whereas they should be deliberate.

2) Causation structures

Causation visuals make the "because" explicit. They prevent jurors from defaulting to "accidents happen."

Common causation structures:

- linear cause chains with evidence tags per link,
- barrier models showing safety layers that failed,
- "but for" isolation visuals that test alternative causes.

Pro tip: you can attack causation visuals by breaking a link: "your chain assumes X; if X is uncertain, the whole chain fails." So causation visuals must be built with explicit sourcing at each step.

3) Mechanism and process structures

Mechanism visuals teach how something works, then where it failed. This is where segmenting matters most: jurors need normal function first, then deviation, then consequence.

In technical cases, it makes sense to skip showing irrelevant subsystems and show only what the expert needs to establish the breach or causation. But remember,

"Everything should be made as simple as possible, but not simpler."

The constraint is credibility: if you simplify too much, cross-exam will expose omissions and jurors may feel misled.

Animation is often used here, but with the animation-vs-simulation distinction in mind.

4) Spatial and scene structures

Spatial show distances, visibility, movement, line-of-sight. They are common in collisions, premises, shooting cases, and any event where physical geometry matters.

Key design choices:

- 2D top-down maps provide clarity and measure.
- 3D perspectives provide intuitive understanding but risk perspective bias.

- Photo integration increases realism but can introduce distortion if camera position is contested.

On the other hand, they can be attacked as speculation: a scene reconstruction that implies contested facts. Foundation must tie every placement and measurement to evidence.

5) Comparison structures

Comparison is persuasive because it creates a standard and then shows deviation. Common comparison pairs:

- policy versus practice,
- should-have versus did,
- before versus after,
- industry standard versus actual conduct.

Comparison visuals must be fair. If the opponent can show cherry-picking, it harms credibility elsewhere.

6) Quantification structures

Quantification visuals make magnitude legible: money, frequency, duration, probability. They are important because it's hard to accurately envision abstractions. The best quantitative visuals are usually simple:

- one graph, one point highlighted,
- axis and denominator explicit,
- comparisons chosen carefully.

These kinds of visuals can be attacked as manipulation: truncated axes, misleading scale, and dramatic framing. Transparency and fairness help defend against those attacks: show scale, show baseline, and keep design restrained.

7) Document visualization and impeachment boards

Document visuals anchor a narrative in hard text: what was said, what was known, what was promised, what changed.

Common patterns:

- blowups with highlighted language,
- side-by-side “testimony” versus “document,”
- email thread maps showing knowledge flow.

The main constraints are fairness and context. Selective quotation can backfire if the opponent shows omitted context that changes meaning. Good impeachment visuals anticipate that and choose excerpts that remain damaging even with context.

VIII. Design and execution: principles taught in practice

1) Legibility

Two parts to legibility to keep in mind:

- Legibility based on slide design (e.g., too crowded, poor color contrast)
- Legibility based on courtroom constraints: distance, glare, limited attention, and multitasking between the lawyer, witness, and screen.

Illegible visuals can mislead by omission, they can irritate or they can be skipped altogether.

2) Pacing and attention management

A trial presentation is a time-based medium. Pacing is the sequence of cognitive load across time. Effective pacing alternates:

- simple conclusion slides (low load, high clarity),
- evidence slides (moderate load, high credibility),
- occasional dense reference boards (high load, used briefly, with guided narration).

A common failure mode is unbroken density: constant reading, constant charts, constant clutter. Jurors stop processing. Good pacing also includes intentional “no visual” moments when the lawyer needs direct eye contact or needs jurors to listen to tone.

3) Consistency

Consistency is an underappreciated persuasion tool. When a deck uses consistent fonts, colors, and structures, jurors spend less energy decoding format and more energy evaluating content. Consistency also signals professionalism and control, which can increase credibility.

Consistency has a strategic dimension: when the same concept appears in the same visual form across the trial, jurors develop a stable "visual vocabulary." That supports deliberation recall and reduces confusion.

IX. Process, collaboration and budget

1) Defined and separate roles

Visual strategy yields better results when responsibilities are maintained:

- trial lawyer owns case theory, theme language, and admissibility posture,
- experts own technical validity and testify to foundations,
- graphics team translates evidence and theory into teachable structures,
- trial tech operator ensures courtroom delivery reliability.

Sometimes trial teams don't maintain a separation of responsibilities. There have been trial teams where expert witnesses are trying to design for visual style (directing the visuals team) while meanings and case vocabulary are left to chance.

2) Iterative workflow

A good visual workflow can look like this:

1. case theory, narrative, **specific goals**, theme language and vocabulary
2. evidence map and element map,
3. prototypes of visuals designed and tested for comprehension,
4. expert and witness review for accuracy and adoption,
5. finalized visuals,
6. courtroom rehearsal and tech redundancy.

A visual is "done" when you can answer what it means, why it teaches it (why in terms of overall case strategy), how every asserted fact is supported and how a witness will authenticate it.

3) Budget and ROI

I think about budgeting for visual presentations in terms of three buckets of time:

- learning about the case,
- coming up with how to structure meanings to meet case goals and how to translate that into visuals,
- creating the visuals themselves.

For litigation visuals to be created, every bucket *must* receive *some* hours: to understand the case, decide what to show and how, and then make the presentations. Skipping any outright makes creation impossible, unless roles are comingled and trial lawyers or experts take on responsibilities of visual strategy down to minutia and direct everything.

The real question is: what makes strategic and financial sense for a case?

I use a conservative guesstimate that a well-executed process of researching, designing and creating visual presentations can affect 10% of likelihood or exposure. The estimate becomes numerical: does the direct cost of visuals plus indirect costs of related experts' and lawyers' hours worth 10% of likelihood or exposure or not?

If it is – it's a given to use them. If not – either visuals' scope and cost needs to be reduced or for smaller cases (under ~300,000) they may not be needed at all.

X. Synthesis: a usable "visual strategy operating system"

Step 1: Decision model

Start with the decision system: verdict form questions, elements, burdens, and any special standards. Write down what jurors must conclude for each "yes." This is your target state because you need to control decision control.

Step 2: Factfinder mind targets

For each element or theme, identify the dominant cognitive task:

- attention: what must they notice,
- comprehension: what must they understand,
- memory: what must survive time,

- credibility: what must be trusted,
- emotion: what must feel morally significant,
- decision: what must be chosen and why.

Step 3: Visual asset map

Build an asset map that links:

- each element and theme,
- each stage (depo, motions, mediation, opening, witness, closing),
- each visual pattern best suited (timeline, comparison, mechanism, document callout, damages calculator).

Ensure that every decisive issue has a teachable structure and that the structures repeat coherently across the case lifecycle.

Step 4: Legal posture of each visual

Classify each asset into categories:

- substantive exhibit (evidence),
- Rule 1006 summary evidence (if proving voluminous content),
- Rule 107 illustrative aid (teaching tool, not evidence).

This classification determines disclosure strategy, foundation planning, and whether the visual can go into deliberations. The visuals described in this presentation are all illustrative aids.

Step 5: Defensibility

For each visual,

- list every factual claim shown,
- cite the supporting record (exhibit, testimony, data),
- list assumptions and alternatives,

- decide which witness authenticates it and how.

This defends against a situation where a visually persuasive slide collapses under one foundational question.

Step 6: Delivery engineering

Finally, delivery: court tech requirements and backup plan, familiarity of witnesses and attorneys with exhibits. Remember that counsel may need to submit demonstratives for approval before use.

Thank you for reading.

Questions about the presentation?

About the presenter

Ari Zahavi, JD, CEO of California Technical Media. I have 20 years of experience supporting litigators in the battle of meanings, having worked on over 1,600 visual matters. I often work on cases where sequence, process, and systems must be understood clearly: injuries, premises liability, medical matters, patent disputes, accidents of all kinds including industrial accidents, as well as financial and business matters.

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