



Ten Tips for Litigators on Working with a Graphic Artist

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Today's litigators recognize the importance of using good visuals to help tell their client's story. Appreciating and harnessing the power of effective storytelling at trial can have an impact on the outcome. Visual storytelling, with graphics or demonstratives, can help trial lawyers deliver their client's story in a more compelling and persuasive way, helping judges and jurors better understand the evidence. Remember, humans have been telling stories using 'visuals' since we were living in caves. It's a natural way to explain things.

Demonstrative exhibits are an important tool for education and persuasion. They can help explain complicated concepts and help trial lawyers better engage with their audience. But not all demonstratives are created equal. A good demonstrative can create clarity. A bad demonstrative can create confusion and detract from your message.

Developing good demonstratives is a process. The process requires a deep understanding of the facts and issues of a particular case, articulated as themes and delivered as messages. The process is also an effective collaboration between the trial team and the graphic artist. That teamwork can make the difference between a demonstrative that clarifies versus a demonstrative that confuses.

Here are some tips for working effectively with a graphic artist.

1. **Get ready to collaborate.** Creating a compelling and persuasive visual story requires collaborative, constructive input and feedback. Communication and clear instruction will help a graphic artist achieve your goals. Email can be a good way to list content that needs to be included. But design edits can be awkward to describe in a string of emails. Pick up the phone, screen-share, or stop by. It can make the process more efficient and more enjoyable. And it will make the end product much more effective. Also remember that good design is a process. Trust the process. The first draft is rarely (never) the final draft. Expect going in that there will be many drafts and edits, and this is a good thing.
2. **Start with the goal in mind.** What is the purpose of the graphic? What is the story you are trying to tell? For the artist to be most helpful, the artist needs to understand the persuasive or educational point you're trying to make. For example, the artist needs to understand that your client is alleged to have [BLANK] and you need a graphic showing [BLANK] in order convince the judge of [BLANK].
3. **Explain the who and where.** How is your graphic going to be presented and to whom? Let the artist know at the beginning whether you plan to use the graphic in a slide deck, in a brief, on a poster board, and so on. An experienced graphic artist can guide you on the best media to effectively present graphics in various contexts. Will the graphic be presented to a judge, jury, at a mediation? Knowing the audience can affect how you design and develop the graphic.
4. **Give concrete examples and references.** If you already have an example in mind, give a copy to the artist to expedite the process. If you want the graphic to have your client's branding, provide the artist with examples of that branding. If you don't have an example, sketch out your ideas. It does not matter if you can't draw – that's what the artist is for. But the best way to talk about and improve visual ideas is to sketch them out on paper.

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Here are some tips for working effectively with a graphic artist. *Continued*

5. **Try for realistic time frames.** Litigation is unpredictable. Artists in this field know that. They are used to working odd hours to meet unexpected deadlines. But, creativity seldom benefits from unreasonable time pressure. Where you anticipate the need for graphics, you will see better quality results if there is time for the artist to brainstorm, sleep on the ideas, and work carefully on the design.
6. **Consider efficiencies.** On the one hand, don't bill your client at a lawyer's rate for work a graphic artist would do better at a lower rate. Most associates and paralegals are not graphic artists, and it does not make sense for them to be creating slide decks. On the other hand, do bill your client to have a member of the trial team who understands the facts, issues and storytelling goals work closely with the graphic artist to generate ideas, make ongoing edits, and ultimately to make the final call as to when the graphic is courtroom-ready. For this role, having a lawyer who is experienced at visual storytelling and working with graphic artists is much more efficient and effective than assigning this to a lawyer who has never done it before. Leave the graphic design to the artist; leave the final visual storytelling strategy to experienced lawyers or jury consultants.
7. **Use words sparingly.** Generally, graphics are not intended to convey complete arguments in text. That's what briefs are for. Limit the words. Let the graphic artist give you tips, from the perspective of a non-lawyer, on what words to remove. Remember this: "remove to improve." Remove any words that don't advance your goal.
8. **Take final responsibility for the words.** Graphic artists can give you great tips on making language more concise or more attention grabbing. But in the legal context, accuracy matters most. Have a lawyer on the case proof read every word. A lawyer working on the matter will have insights into the implications of certain words in a certain context that you should not expect from an artist who is not deeply involved in the legal issues.
9. **Avoid design by committee.** Often, litigation teams are large and everyone has an opinion. Decide at the outset who needs to sign off on the graphic and keep the group of final decision makers small. It's helpful to seek ideas from others, but they are just ideas. They may or may not be good ideas. Attempting to incorporate every idea that every person on the team has is seldom an effective strategy.
10. **Practice with graphics.** Telling a story to judge or jury using visuals is not easy. Graphics add a different dynamic in how you present the client's story. Practice your delivery with graphics. Similarly, if you have witnesses who will testify using graphics, ensure that reviewing graphics are part of your witness preparation sessions.

Your client's story will be more memorable and persuasive when told using a combination of effective visuals with words. But developing and designing effective visuals is easier said than done. It not only requires a graphic artist with skills and experience specifically in legal settings and in persuasion, it requires lawyers understanding the power of visual storytelling and an effective collaboration between the lawyers and the artist.



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