



Visual communication in the courtroom

WHEN IT COMES TO PRESENTATIONS SUCH AS POWERPOINT, LESS IS MORE SAYS BRIAN PANISH

In my 15 years working with CAALA, I've learned that each member is different. I've also learned that each member is the same: they don't like change.

In the last few years, you've experienced dramatic changes in your lives and in your practices. Smart phones and mobile devices have changed how you practice law and the internet has changed how you communicate with each other.

But, one thing that has not changed is how trial lawyers communicate visually with juries or with attendees at a seminar or education program.

I saw this at our CAALA Vegas annual convention, where more than 100 presentations were made to the 3,100 attendees. I've seen it at the member and education programs that CAALA presents weekly in our offices. And, although I haven't seen it firsthand, I know it's true with how lawyers visually communicate to juries during trial. The way trial lawyers prepare their presentations hasn't changed since the introduction of PowerPoint in 1987.

Most trial lawyers think that the more words they jam onto a PowerPoint slide, the better the presentation. They can't imagine leaving any blank space. When it comes to presentations, the truth is just the opposite: *Less is More*.

CAALA's younger members understand this concept better than our more seasoned members, but that may be changing.

Lessons from the masters

Recently I was listening to Brian Panish's podcast, "Get in the Game." On June 28, Panish's guest was Florida trial lawyer Keith Mitnik. Mitnik is author of the popular trial lawyer book, "Don't Eat the Bruises," and is senior trial counsel for Morgan and Morgan, the largest personal injury law firm in America. Between the two of them, Panish and Mitnik have been practicing law for 67 years. You probably think they are set in their ways and averse to change, but you are wrong.

During the podcast, the conversation turned to making presentations to juries during trial.

Both Panish and Mitnik are meticulous, even obsessive about every detail of presenting their cases in trial, and both have thought a lot about how to successfully communicate to juries and what type of visual presentations work best.

Mitnik said that while he uses PowerPoints and believes in them, "I'm the best visual aid in the courtroom." He said he notices sometimes that "jurors pay more attention to the screen than to the lawyer." He suggested lawyers "simplify the message and not be too worried about the message on the screen." He said that rudimentary, even basic visuals are best and that he doesn't want "something where people are reading across a slide." He added that "we have to tell a story, so we need the pictures, but there is something to simplicity."

Panish agreed completely and said he is "getting away from putting a lot of words on the screen." He added that if you are worried about a slide, what is on the slide, changing the slide, you're not focusing on connecting with individual jurors. Lawyers get too tied up in the PowerPoints; "my ability to lead the jury is sometimes diminished by the PowerPoint."

Both of these veteran, renowned trial lawyers have seen the need to change the way they do presentations. Maybe it's time for other trial lawyers to change, too.

Lessons from Steve Jobs

Panish and Mitnik didn't say it, but they were channeling Apple founder Steve Jobs in that podcast.

Jobs is widely recognized as one of the greatest presenters of our generation. Whether he was introducing the latest Apple product or delivering a keynote presentation, he electrified audiences with style and showmanship. A big reason his presentations were so successful was the visuals he used. He didn't just convey information to his audiences, he told a story, painted a picture and created an experience that was unique, inspiring and unforgettable.

Isn't that what trial lawyers want from their presentations to jurors or attendees at a seminar?

Carmine Gallo is a highly regarded keynote speaker and author of numerous books on presenting and communicating. One of his best-selling books is "The Presentation Secrets of Steve Jobs: How to be Insanely Great in Front of Any Audience."

On the *Inc.* website, Gallo wrote that Jobs used a technique Gallo labels as the "Twitter-friendly headline," a one sentence summary of a product that perfectly captures the main message he wished to deliver. Gallo says the average PowerPoint slide has 40 words. "In the first three minutes of Steve Jobs' presentation introducing the iPhone, he uses a grand total of nineteen words distributed across about twelve slides."

Gallo repeated this message in an article he wrote about Amazon founder Jeff Bezos. Gallo writes "It's well-known among neuroscientists that we recall things much better when we see pictures of the object or topic than when we read text on a slide. Visuals are much, much more powerful than text alone. That's why, if you choose to use slides, use more pictures than words." In a later article Gallo wrote, "You're not eliminating text entirely; you're simply getting your audience to pay attention."

Gallo has written countless articles relating the presentation philosophies of Jobs and other inspiring speakers such as Jeff Bezos, Elon Musk and Richard Branson.

They weren't talking about trial lawyers when they gave their thoughts on how to do successful presentations, but they easily could have been. Trial lawyers who insist on doing visual presentations the same way they have done them for years, need to change. If you are still asking jurors to read text from PowerPoint slides, it's time to do it differently. If it's not too late for Brian Panish and Keith Mitnik, it's not too late for you.

