



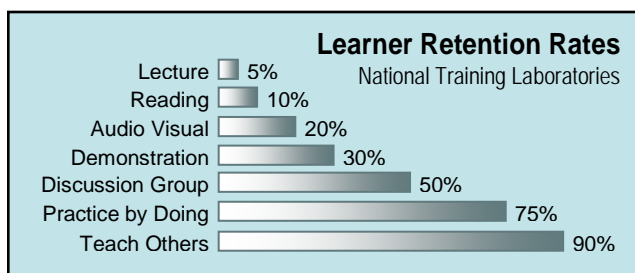
# Visual Persuasion

Demonstrative Evidence That Informs and Transforms

## The High Value of Demonstrative Evidence

Lawsuits are expensive; losing a lawsuit may be even more expensive. So it is vitally important to get the best value for every litigation dollar that is spent. Demonstrative evidence has high value.

- 1. Demonstrative evidence clarifies the facts.** “A picture is worth a thousand words.” Complex matters and large amounts of data are more easily explained with an image than with many words. A brief explanation of a timeline, a chart, or a graph will clarify the facts for the judge and the jury.
- 2. Demonstrative evidence helps people to remember the facts.** Lawsuits are information intensive. Attorneys should expect that juries will retain a small portion of the information that they hear during the course of a trial (as little as 5%). Among adults, retention increases 400% when information is presented in an Audio Visual format (National Training Laboratories, 1998, Online).



- 3. Demonstrative evidence can be created for every budget.** G. Christopher Ritter writes about a model that his defense team created in order to refute the plaintiff’s claim that a construction job would have been completed on time if he was allowed to use a second crane.

[W]e created a representational model that was in the form of a puzzle. The outer bounds of the puzzle were cut to scale to represent the outer boundaries of the construction site. We then had an expert calculate the minimum amount of space each piece of equipment required... We created two circles that represented [the cranes] workspace to scale and invited the opposing party to find a way to fit these two circles within the boundaries of the puzzle (i.e., within the boundaries of the construction site). (G. Christopher Ritter. *Creating Winning Trial Strategies and Graphics*, ABA, 2004, pp. 233-234.)

Demonstrative evidence has high value for litigants because it quickly clarifies the facts, it increases retention for the judge and jury, and it can be made to fit within the constraints of any budget.

## Demonstrative Evidence Clarifies Complex Facts In Attorney Malpractice Cases

Attorney malpractice cases have complex fact issues because they normally stem out of an underlying case from which the attorney is accused.

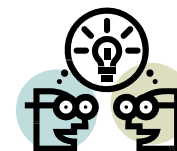
The following graphic illustrates three cases which impacted the outcome for an attorney accused of malpractice.



- original (underlying) lawsuit
- second suit (springing from the original)
- third suit (springing from the original)

When the facts of the suits are added to the graphic, the resulting timeline shows 1) the quality of the attorney’s work in the original matter, 2) why the outcome of the second suit bore directly upon the third, and 3) that the situation in the third suit warranted summary judgment.

Demonstrative evidence is an essential tool in complex litigation.



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