



Visual Persuasion

Demonstrative Evidence That Informs and Transforms

Demonstrative Evidence Bridges Communication Styles

Attorneys and juries have different communication styles. A study comparing the learning and communication styles of practicing attorneys and of the general public indicates that attorneys prefer to talk about the evidence, while jurors prefer to see the evidence. ([Kenneth J. Lopez, "The Animators at Law Attorney Communication Style Study," 2007.](#))

The study compares visual, auditory, and kinesthetic learning styles, which have been popular among educators for three decades.

👁️ **Visual learners** remember information more accurately when they see it.

👂 **Auditory learners** remember information more accurately when they hear it.

👉 **Kinesthetic learners** remember information more accurately when they experience it (i.e., physical interaction).

In practical terms, seven out of twelve jurors (61%) will prefer visual learning, three will prefer kinesthetic learning (20.5%), and two will prefer auditory learning (18.5%), Attorneys who rely on auditory communication alone will be under-communicating with ten of the twelve members of the jury (81.5%). *Id.*



Some behaviors may give the attorney clues about the learning styles of individual jurors. Visual people generally have an upright posture and sit forward in their chair. Auditory people move their eyes from side to side as they listen. Kinesthetic people often move extremely slowly and their stomach moves in and out when they breathe. (["Neurolinguistic Programming: Verbal Communication," Student BMJ, 2006](#))

The gap between the communication styles of attorneys and jury members can be filled by demonstrative evidence. Visual formats such as photos, charts, diagrams, videos, and animations, will appeal to the majority of jurors. Kinesthetic tools such as visits to locations, role playing, handling product samples, and examining scale models could be included. (Opportunities for kinesthetic learning will likely be limited for jurors because the courts have traditionally valued auditory communication and have only recently encouraged visual communication by updating audio visual equipment in the courtroom. There are few opportunities for kinesthetic jurors to write notes, recite testimony, or handle exhibits.)

Audio communication can also help bridge the gap with phrases such as, "Imagine the surprise of...", "We can see the consequences of...", "The key points that I want us to touch upon are..."

Fortunately, most people possess a combination of learning styles and are able to shift toward the audio, if necessary. However, in a world filled with competing messages, it is always an advantage for the attorney who is able to shift toward the learning style of the jury member.

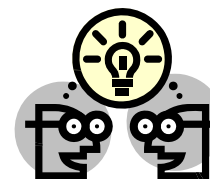
Campbell & LeBoeuf, PC Combines Communication Styles

In order to communicate to the widest range of people, the law Firm of Campbell & LeBoeuf combines communication styles during courtroom presentations and CLE instruction.

For the courts, the attorneys prepare written pleadings which are illustrated or summarized in audio visual presentations, using text callouts, photos, clips from video taped depositions, timelines, and animations.

For CLE, the speakers prepare papers or lecture notes, which are reproduce for attendees. Their lectures are illustrated using audio visual presentations which contain the text of the key points, photos, charts, cartoons, sounds, animations, video, or other items that reinforce the message.

By combining audio and visual communication, the courts and the students are able to gather the facts in a way that is best suited for each person.



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