



Work It, Girl!

Teaching Your Way to Credibility

By Denise Montiel

You have a big case coming up for trial. You feel confident about defending this case in court, but you have a nagging worry: will the jury really get it? How will you communicate your complex facts clearly and effectively?

Jury research and my personal trial support experience confirm that the lawyer who takes the time to teach the jury what they need to know, so that they feel they are making a good decision, has a distinct advantage. However, female trial attorneys are often working against the age-old perception that women are not as “technical” and don’t care to really understand complex scientific, technical and financial concepts. This gender stereotype sometimes leads jurors to look to the man in the room to explain technical concepts, leaving the female attorney with an uphill battle toward credibility.

The good news is that, by following some simple guidelines for effective courtroom presentation, women lawyers can capitalize on their natural nurturing skills to educate the jury, foster credibility, and capture the advantage. Using this approach helps overcome any gender bias regarding females’ technical abilities and can assist you in winning your case.

Teaching: A Good Day’s Work

²nurture (from Merriam-Webster’s Online Dictionary)

1 : to supply with nourishment

2 : educate

3 : to further the development of : foster

Women are perceived as good teachers, and you can use this “positive” gender bias to gain an advantage. One proven method of teaching is the use of visual communication to aid in understanding, retention and persuasion. When putting together your visual presentations for opening, closing, or for use with expert witnesses, follow these guidelines to maximize your teaching potential.



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Avoid the Temptation to Play Down the Technical Aspects of the Case

Countless times I have witnessed an attorney begin an explanation of the facts with an empathetic apology, such as “I know this is confusing” or “You’ll hear a lot of technical mumbo jumbo.” Don’t give into this temptation! It primes your jurors to tune out since you’ve just told them that they’re probably not going to understand it anyway. Instead, preface your graphic or tutorial with positive expressions, such as “This process is actually just a series of simple steps; let me walk you through it.” Let your jurors know that the complex facts are actually easy to grasp at a “bottom line” level, and that *you’ll* be the one to help them understand what they need to know.

Translate Data Into Communication

I think the graphics that were put on by the defense were better than they were by the plaintiff. It was good to have a mental picture to go with the facts. The defense closing argument was impressive to me because she had neatly manicured charts and pictures that left a clear impression, while the plaintiff just gave us numbers.

This quote from a post-trial juror interview underlines a key communication principle: “Don’t make them work for it.” Too often I have seen an attorney or expert present data, like numbers or graphs in raw form, with the expectation that explaining it will make it more understandable. It doesn’t. Take the time to work the data into an effective communication, so that you don’t lose your audience. In developing your tutorial presentations, review them with a critical eye: Is this just data? Or has it been translated into communication that works?

Design for the Courtroom, Not the Showroom

The courtroom is a specific environment and your audience is there for a specific purpose. You want your jurors to focus on the substance of the visual, rather than on the graphic design or technology being used. Simplify graphic design elements so that your intended communication stands out, not the designer’s skills! Clutter, confusion and “slickness” are failures of design, not information.

Graphics can be as harmful as they are helpful. If a design element appears on your demonstrative that has little to do with conveying the point you are trying to

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make, then it is “chart junk”: it may be pretty, but it may also confuse the viewer or obfuscate important information. Minimize irrelevant detail and content to ensure that your story is cohesive and leads to a logical conclusion. Clear communication of the information builds your case and your credibility.

Make Technology Work for You

Today’s jurors are more tech savvy and less patient. Your jurors will embrace communication that is presented in a concise, intuitive and direct manner. Consider this comment from a juror after a defense win in a recent product liability case:

“The PowerPoint at the end by the defense lawyer was very convincing, organized and well put together. It helped tie things together so I really liked that one the

best. If the plaintiff lawyer had used better demonstratives in his closing, it would have been much better to drive it home and help organize our thoughts. I think it really hurt him that he did not use better demonstratives in closing. It was such a stark contrast between him and the defense lawyer.”

The use of computer-based presentation allows you to control the momentum and flow of your story in a more dynamic, intuitive way. It is a great tool for opening statements and closing arguments. Although board graphics certainly have their place, they don’t allow for the type of integrated delivery that jurors have come to expect. With technology, you can stage your communication in a more dramatic fashion, incorporating all visual elements. Remember, you are not only presenting your case, you are also presenting yourself. You are more likely to gain credibility by showing a com-

mand of today’s presentation tools, reinforcing your words with a seamless visual presentation that puts you in control of the timing and delivery of your case facts.

Work It, Girl!

The plaintiff and defense shared a lot of the same evidence throughout the case, and the only difference was the way that they interpreted it.

With well designed demonstratives you can harness the power and persuasiveness of visual communication to teach critical information, establish credibility, and gain an advantage in the courtroom. They’ll see you and your experts as the best teachers, and it will naturally follow that they’ll see the case your way. Work with your visuals to make them work for you. 