



Why Attorneys Should Develop Graphics For Their Case—the Sooner, the Better

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It's the eleventh hour before trial and you're feverishly preparing your case when you realize you need help creating a visual presentation. You enlist the expertise of a legal graphics consultant. Not a bad idea—but there's a much better way to go: Make that call, and start preparing visuals, as early as possible in each and every case.

A recent case of mine shows how multimedia graphics—such as 3D animations, 2D infographics, [interactive PDFs](#), medical illustrations or video-enhanced PowerPoints—can help an attorney develop, test and refine theories of liability or defense.

The end result is you'll be as prepared as possible for mediation or trial, with an airtight case to present in the most clear and compelling way.

A law firm recently retained my litigation graphics and consulting firm on a case that involves over \$40 million in damages to a building utilities system in a California construction project. We were brought in at the same time the experts were hired on this case to start conceptualizing the visualization of the complicated systems failure that led to the claim. (The case has not been filed yet.)

As part of the process, my firm obtained all the blueprints, job photos and construction drawings to start the process of creating an animated 3D model of the failed equipment. Building a good model takes a great deal of back-and-forth with the attorneys and experts for it to be accurate. This process illustrates the old adage that in order to teach something, you must really know something.

In order to “teach” the jury, judge, mediator or opponent anything about the case by using a visual presentation in litigation, the graphics firm and the attorney must understand all aspects of the claim; e.g., what existed before the incident, what should have existed and what happened.

As a direct result of creating the animation, a fascinating learning process took place among the litigation team that ultimately caused the attorneys to alter their course.



First, my firm took the experts' findings and various supporting documents and then broke down the information into a usable visual format that a jury could understand. In addition to the 3D model, we created an interactive PDF that merged and color-coded the blueprints to indicate what damage occurred and when.

The process of developing these graphics sparked significant questions and theories of causation that did not occur to the litigation team prior to working with the graphics. In other words, the process of developing visual aids—of being able to see the information in a user-friendly format that isolated different elements involved in the systems failure—helped prevent the attorneys from going down a path of causation that would ultimately fail, and to develop a stronger theory of causation that likely will succeed.

Additionally, by putting the time and effort into developing graphics in the pre-litigation phase, the attorneys now stand ready to present a powerful 3D animation of the incident re-creation at their upcoming mediation. The attorneys plan to use Keynote on their iPads for this presentation, instead of a laptop projector. This presentation technique works quite well for mediation due to its less formal feel than a laptop and projector.

If this case does not settle, the attorneys have the bulk of the work done to create a powerful opening statement that explains the nature of this case to the jury.

Since the law firm had the good idea to call in a graphics firm even before the case was filed, the attorneys, experts and graphics consultant are on the same page from the start and can move forward as a team to strengthen the case.

The lesson? Instead of waiting to create graphics in a piecemeal fashion after a case is worked up, integrate the development of graphics into the case as early as possible.

Morgan C. Smith, Esq., is the owner of [Cogent Legal](#), a legal graphics and consulting firm that develops visual presentations and strategy for mediation and trial. Prior to founding Cogent Legal, Morgan was a partner at The Arns Law Firm in San Francisco, where he specialized in complex litigation, class actions, personal injury and products liability. [Cogent Legal's blog](#) covers news, views and how-to's in litigation strategy and legal graphics.