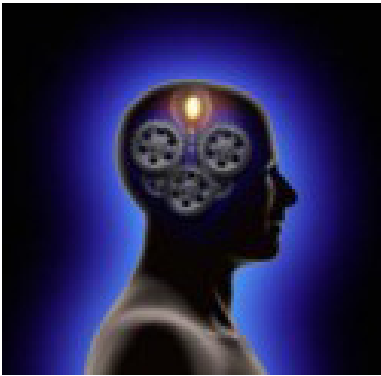


How to Avoid Information Overload When Presenting Your Case

September 27th, 2011

by Dave Nugent

Senior Producer at Cogent Legal



Whenever I begin to conceptualize a visual presentation for a client, I try to be sensitive to information overload—that is, where the bell curve of retention and cognition takes a steep dive toward Hades. But how much information is “overload” for a juror or mediator?

Psychological studies and neuroscience show that we possess inherited built-in limitations to our working memory—a so-called mental bandwidth. As an attorney, you need to keep these limitations in mind when preparing your case for presentation.

The brain we are born with today is almost identical to the Cro-Magnon brain of forty thousand years ago. As a direct neurological descendent of the Cro-Magnon, how much information can that juror or arbitrator take in, retain and make sense of in deliberation?

Not all that much, argued psychologist George Miller in his 1956 seminal paper “The Magical Number Seven, Plus or Minus Two.” Miller posited the number seven, give or take two, as the average number of pieces of information our working memory can retain and work with simultaneously. Working (short-term) memory temporarily stores and manipulates information to solve complex problems, make decisions, or process oral or visual information.

Recent research showed that short-term memory is even more limited than Miller suggested, and the number of “chunks” of information a person can recall is probably four or fewer. What’s more, research at Temple University utilizing MRI technology showed that as the brain processed information, the pre-frontal lobe lit up with activity, as it should. But when presented with increased amounts of information, it “went dark,” meaning activity stopped.

If your audience—be it a jury, mediator or arbitrator—is presented with multiple, simultaneous argument points in excess of what the brain can process, then the audience’s ability to organize information and make decisions will break down and “go dark.”

Here are a few tips to keep in mind to avoid information overload when arguing your case:

- Less is better: Try to break your oral argument down to three to five key points to construct your story. All other facts and events should be sub-themes and foundation.
- Use conclusive statements: Make it easier for your decision-makers to process and retain information as you would like them to by using phrases such as, “If you remember just one thing, let it be ...”
- Keep it simple: As Leonardo da Vinci said, “Simplicity is the ultimate form of sophistication.” Design graphs, charts, tables and [illustrative slides](#) for comprehension within three to four seconds. Remember, if you need to explain your demonstrative, then it’s not working.
- Don’t include the kitchen sink: When building master [timelines](#), avoid the mistake of the “kitchen sink” criteria for content inclusion. Display only the key story events, leaving the drill-down details and events to secondary timelines dedicated to specific sub-themes of your case. “A good story cannot be devised; it has to be distilled,” said Raymond Chandler.
- Don’t expect your audience to multitask: Multi-tasking slides require viewers to sort content into several meaningful relationships—to themselves multitask. Repeated studies confirm that multi-tasking is not an acquired skill of modern man, contrary to popular myth.

Consider all the information a juror is asked to take in over the course of a trial: jury instructions; defense and plaintiff oral arguments; expert testimony; demonstrative content; exhibits, etc. Follow the tips above to keep your audience’s cognitive channels open and receptive.

Avoiding information overload to keep your audience’s pre-frontal lobe an active, but unburdened, data processor will greatly increase your chances of sound jury decision-making and obtaining the results you desire.

Dave Nugent is the Senior Producer at [Cogent Legal](#), a legal graphics and consulting firm that helps attorneys present their cases in the most clear, compelling and tactical way to achieve maximum results. [Cogent Legal](#) integrates the legal expertise of a successful trial attorney with the creative and technical talent of a design firm.