



Eight rules for using demonstrative injury visuals

What a thousand words can confuse, a single picture can clarify. Don't miss a chance for the jury to visualize your client's injuries.

BY JEFF DAVIS

Conventional wisdom suggests that one picture can be worth a thousand words, particularly in the courtroom. Visuals make your case's complex physical injuries easier to understand, more persuasive and more memorable. Myriad studies have proven that people retain far more information visually than they do by hearing it. Here are eight rules to get the most out of your demonstrative injury visuals.

- **Don't** wait until trial to take advantage of visuals that could have increased a case's value in the negotiating phase. "Trial" exhibits should be used as tangible objects to lobby with in demand letters, video depositions and mediations.

- **Don't** show your medical expert the medical illustrations or an animation for the first time while the camera is rolling in a video deposition or, even worse, when your expert is already in front of the jury: You never know what he or she might say. Let your expert witness see the exhibit in advance so that your exhibit provider can make revisions ahead of time. This also allows your expert to say honestly how accurate the depictions are and that he/she worked alongside the illustrator in making the illustrations accurate.

- **Don't** assume that the person to whom you are showing a demonstrative exhibit has any knowledge at all of the subject matter. If you assume anything,

assume that the person looking at your exhibits will have an eighth grade education; keep everything as simple and easy to understand as possible.

- **Don't** overlook demonstrating all stages of your client's story, not just the obvious injury. Show the client happy, healthy and active, before any injury. Next, visually explain how the actual accident or fall took place, either with a computer animation or a diagram. Then, use post-accident injury photos and color-illustrated diagnostic films or medical illustrations to clearly show the injury, and illustrate the steps of the subsequent surgical procedure. In addition, demonstrate the post-surgical hardware in color-illustrated post-op diagnostic films.



Finally, share photos of the client's current condition today.

- **Don't** use an image from a medical textbook. Not only might it be a violation of copyright law, but in many cases you are showing an illustration that demonstrates adjacent areas of anatomy that have nothing to do with your case and will only serve to confuse.

- **Don't** wait until the last second to hire an exhibit designer. The more time your designer has, the more time that can be spent on research to increase accuracy and to add the bells and whistles that make your exhibit "pop" at trial. Most importantly, allowing sufficient

time will ensure that you and your expert have the opportunity to make revisions.

- **Don't** mail original diagnostic films or medical records. Whenever possible, if you are going to ship MRIs, X-Rays, photos or medical records; send duplicates. By keeping the originals, you'll have confidence that your materials will be able to be entered as evidence (copies can become an issue).

- **Don't** give an entire presentation using only one media. You never know if your audience will understand the information most effectively on a screen or on traditional boards. The most effective

technique is to use a variety of presentation media. If the audience starts to lose interest watching a PowerPoint presentation, switch your media to a big blow-up and watch their attention return.



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