



## **Modern Day Litigation: Using Multiple Media to Appeal to Jurors of All Ages**

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**Baxter D. Drennon** is a partner with Wright, Lindsey & Jennings LLP in Little Rock, Arkansas. He has an active trial practice often representing product manufacturers and other defendants in high stakes matters. In addition, he has a growing commercial litigation practice. In a recent four month period, Baxter tried three cases, all resulting in defense verdicts. Last summer, Baxter was a part of a trial team that received an eight figure verdict in a breach of contract case, with the jury awarding every dollar Baxter asked for in closing argument. Baxter is the former chair of the Young Lawyers Committee and is now the youngest ever member of the DRI Board of Directors.

For years, the vast majority of a trial attorney's communication with a jury involved simply and clearly conveying his or her message to a jury using the spoken word. Traditionalists and Baby Boomers were great at single, extended interactions or conversations and appreciated an attorney effectively serving as a lecturer. Consider examples from popular culture during that time period, Atticus Finch and Matlock. How did they communicate to win cases? There was a dramatic moment that center on the attorney's words. As technology progressed and members of Generation X became eligible for jury service, attorneys began to rely more on pictures, graphs, or other images to reach the jury. CSI, rather than Matlock, became much more representative of the types of presentations jurors expected. Now, younger generations are experienced at receiving large amounts of information at one time, from different sources and often in different formats. This presents an incredible challenge for lawyers trying to effectively communicate with jurors from these generations.

## **WHO YOU ARE COMMUNICATING WITH?**

To understand how to effectively communicate with jurors across the generations, it is important to first acknowledge the general differences between them.

**Traditionalists:** Born between 1922-1945, traditionalists or veterans tend to be more formal in their interactions. They are motivated by how their actions connect to the overall good of the team or organization. Qualities of loyalty and perseverance are strengths. Traditionalists seek out the rules, uphold authority, and respect the chain of command. They prefer to learn privately.

Communication Style: Traditionalists communicate in a direct and formal style, usually in writing (think memos).

Learning Style: Traditionalists tend to favor a more structured, "command and control" oriented learning programs. Personal learning and classroom lectures are often preferred.

Influencers: Traditionalists grew up during the Great Depression and World War II.

**Baby Boomers:** Born between 1946 and 1964, Baby Boomers are the first generation raised with a TV and rock and roll. They can be described as entitled. They are well educated, lifelong learners who are motivated by getting and involved and making a difference. They appreciate hearing "we need you." This is a generation that grew up being graded on "works well with others."

Communication Style: Baby Boomers usually want to be communicated with in-person, one-on-one and disfavor group settings. They are more focused on work, rather than homelife.

Learning Style: Baby Boomers were raised in a formal, lecture-based environment with books and manuals. They prefer a style of learning in which the instructor is the authority on a topic.

Influencers: Baby Boomers grew up during the Vietnam War, the Civil Rights Movement, and the emergence of the counterculture.

**Generation X:** Born between 1965 and 1979, members of Generation X grew up with the oil crises, stock market decline, Challenger disaster, and John Lennon's assassination. The message

that motivates is “Do it your way.” Gen X’ers are adaptable, need options, and may appear to be somewhat unorthodox in their methods for getting things done. They tend to focus on results and efficiency.

**Communication Style:** Email is the typical Gen X’ers preferred method of communication. Generation X prefers receiving and using short, brief messages as opposed to lengthy ones.

**Learning Style:** Generation X member believe that learning should be fun and hands on. Small group discussions and workshops are their preferred style of learning.

**Influencers:** Gen X’ers grew up with both parents working. They witnessed the Challenger space shuttle disaster and the fall of the Berlin wall.

**Gen Y/Millennials:** Born between 1980 and 2000, Gen Y is the first generation to have grown up immersed in technology, multitasking, and overly protective parents. These are the “trophy kids” that were rewarded for participation, not necessarily achievement. They are optimists who value autonomy, education, and knowledge.

**Communication Style:** Gen Y’ers usually like to communicate electronically, through SMS messages, emails, and social media posts.

**Learning Style:** Generation Y members are tech savvy and enjoy learning in an electronic environment. They are big gamers and respond well to the “gamification” in the learning environment.

**Influencers:** Millennials were raised by helicopter parents and lived through 9/11, government scandal, and the War on Terror.

**All generations:** All generations want structure and respect and value trust and loyalty.

**Personalities:** Regardless of their age, all people have their own personalities and may not neatly fit into the generational generalities.

## **WHAT DO YOU NEED TO COMMUNICATE?**

### **The Hardware**

At its most basic, a trial lawyer needs a projector or large TV screen that can be connected to an tablet or laptop. No matter the equipment decided upon, a trial lawyer needs their own equipment, both so that reliability can be ensured but also for practice. In most courthouses, it is impossible for a trial lawyer to get any significant opportunity to practice using the court’s equipment.

[Another basic for me is a presentation table. Not a lectern, but a small table waist high that is large enough to put a three-ring binder on. No frills, easily set up, and easily moved. During a trial, you cannot control where the podium is located, and there may not be a conveniently located place for you to put your notes or outline. This type of table can be positioned in front of a witness during cross or in front of the jury for closing.]

### **Wireless**

Being wireless gives a trial lawyer a sense of command and control beyond what is possible when they are tethered to a laptop or podium. With Apple TV and an iPad (or a MacBook) (or a Roku stick and a PC) a trial lawyer you wirelessly examine witnesses or make an argument from nearly anywhere in the courtroom.

## **Software**

[TrialPad - LitSoftware](#) - TrialPad is an easy-to-use iPad app to organize, annotate, and present evidence. [I typically keep my iPad on my trial table (see above) and use it to pull up, highlight, and annotate exhibits on the fly.]

[Timeline 3D](#) - Timeline 3D is a great app for the iPad or Mac that you can use to create and display timelines in 3D.

[Vittle](#) - Vittle lets you easily narrate and annotate your photos and PDF slide decks to create highly engaging videos.

[LiquidText](#) - LiquidText is an app for iPad or Mac that allows you to annotate documents and pull the key sections from a document and connect them together.

[Speeko](#) - Speeko is an app for iPad that provides instant feedback for your presentations critiquing your tone, clarity, volume, and more.

[Visme](#) - Quickly and easily create great graphics, charts, and more.

Choose your technology with care because members of the Traditionalist generation will be wowed by it and Gen X'ers and Millennial jurors will expect it.

Mix it up. Identify the different delivery methods needed to communicate and teach each generation. Incorporate those in your arguments and examinations in front of the jury. Appeal to the Millennials - Start your close with a twitter post style description of why you win. Satisfy the Baby Boomers desire for logic and detail - Give a short lecture with bullet points “building the house” showing why you win. Ask questions and give answer – Spur discussion appealing to the Generation X jurors.

## **HOW DO YOU COMMUNICATE WITH THEM?**

With a wide variety of influencers and communication and learning styles, how can a trial lawyer effectively communicate to a jury made up of each of these generations?

At its most basic, effective communication will require knowledge of its generations influencers, learning habits, and communication preferences and incorporating those in all aspects of presentations to a jury. Knowing the influencers allows a trial lawyer to understand how each generation sees challenges and opportunities and how their decision making is impacted by the those influences. Understanding how they learn and their preferred communication methods will give a trial lawyer the insight to find ways to appeal to each of those preferred learning methods.

*Basics of Effectively Communicating*

Before addressing strategies for communicating across the generations, there are some general practices that an effective trial lawyer will adopt in nearly all cases.

### *Jurors are Critical to Case*

First, early on, it is important to let the jurors (or potential jurors) know that they are critical to the success of the case. An example of this is asking the jurors to confirm that they will pay attention to the entirety of the trial, not just plaintiff's case-in-chief. Many jurors will be familiar with Paul Harvey. An effective way to appeal to the older jurors and make the point of their importance is to describe the defendant's case as the "rest of the story" and asking to confirm that they will wait to hear the rest of the story before making up their mind about the case.

[As an aside, it has become popular to refer to *voir dire* as jury deselection, rather than jury selection. I understand that sentiment, but you cannot allow that feeling come through during your questioning of the panel. Instead of giving the members of the jury panel the impression that you are looking for reasons to exclude them, they should feel that you are looking for members of your team, that you want to include, not exclude them. At the end of the process, we want the jurors with us. It is unlikely that we can ever question deeply or thoroughly enough to expose all of the information necessary to conclusively determine all of the biases that might be against our clients. Instead, we should be seeking to select those individuals who are open to new ideas and open to our position in the trial.]

### *Personalize Yourself*

Similarly, it is important that you personalize yourself to gain acceptance and forge a personal connection with your audience. There are a number of strategies for doing this, but one that can be effective is to begin *voir dire* with a confession of sorts. Many defense lawyers with offices in big cities have found themselves in courtrooms in small towns. In that situation its widely known, or at least assumed by defense lawyers, that there is a danger of being "home towned." To protect against it, a trial lawyer could ask "Does anyone have any prejudice against people from XYZ big city?" Most likely, the result of that question will be a room full of people saying "of course not." The question and the opportunity have then be wasted. What if, instead of projecting that prejudice onto the potential jurors, we confessed our own. It might play out like this:

Folks, my name is Baxter Drennon. I'm a lawyer in Little Rock, and I live there now. But, I grew up in Helena (significantly smaller town), and I have to confess that I don't always like Little Rock and the people there. I try to overcome it, but its big, there is a lot of traffic, and the people aren't always friendly. Am I the only one that feels that way? Does any one else feel this way?

With that type of confession, invariably, someone will answer the question with a slight confession of their own. From that point, there is usually an open discussion of the issue. Eventually, a trial lawyer can get a commitment that people will not hold the lawyer's office location against them, or he or she can gather enough information to make a decision on exercising a strike.

### *Own the Room.*

To own the room, means that a trial lawyers has commanded the attention, respect, and action of others in the courtroom. There are two aspects to owning the room, personality and physical presence. From a personality standpoint, to own the room a trial lawyer must have more energy than the jury (just a bit more, not too much), must interact with the jury (this may be with eye contact, smiles, or other nonverbal cues), and must dress the part (clothes don't have to be expensive, but they do have to be well cared for). Physically owning the room requires purposed movement. A trial lawyer cannot have wild, unpredictable hand movements, but they also cannot be a potted plant. Owning the room, a trial lawyer can use movement, voice and presence to create drama, excitement, and enthusiasm amongst the jurors.

[In a recent trial, mid-closing argument I figured out that I was not owning the room. I had everything set up exactly as I wanted it. The substance of my closing was good, really good. My slides were good, really good. I had rehearsed it a bunch of times, even paying for an app that critiqued my pace, tone, volume, and more. For closings, I set up a small table for my notes, and I typically use a mixture of power point and a trial software. Because of the size of the room, I also had a laser pointer to direct the jury to certain parts of the screen. I used a similar set up for direct and cross examinations, and it worked great.

I started my closing argument with a great story about me but that was relatable to all of the jurors. The point of the story tied directly to the case. I was feeling good. But, as I continued to stand behind my table and point my laser at the screen, my instincts started to tell me that something was off. I just was not connecting with the jury the way I had done earlier in the week, and the way I typically do when closing. Sometimes, I talk too fast. I thought maybe that was the problem. I slowed down. I quickly realized that wasn't the issue. I ran down my list – am I loud enough, clear enough, pausing for effect – all of the things. Eventually, though, regrettably not long before I was done, I realized I had become the potted plant. With the laser pointer in hand and my notes in front of me, I had no natural reason to move around. Now, at least for closings, I have lost the laser pointer and adopted an old-fashioned pointer that requires me to walk to the screen if I want to emphasize something on it. Because of that, I have a very natural reason to move around and use movement to own the room.]

### *Tell Stories.*

Never Give Up. Three little words. We have all heard it, felt it, and tried to apply it to our lives. How did you learn that principle? Most likely, through a story. *The Tortoise and the Hare* is a famous example of a story that does not just tell us what to do, it shows us. It gives us a chance to make our own connections to our own lives and draw our own conclusions. No matter how many times you tell someone a principle or primary aspect of your case, it may not resonate. Sometimes it may take more than hearing words to make it stick. It takes feeling it. It takes a story.

Instead of telling the jury what to do, stories engage the jury in a way to allow them to instinctively apply knowledge from their own personal and professional experiences. Where possible, try and tell a personal story from your own life. You can become the hero of your story, going directly through the plot: with a problem, facing the problem, and solving the problem.

### *Divide (your time) and Conquer*

Studies show that four hours is the maximum length of time a group can stay engaged. Even within that, a person needs a break or change every 30 to 40 minutes. TED Talks last only 18 minutes. Plan your witnesses and topics of examination accordingly.

### *Keep it Short*

Everyone appreciates a speaker that values their time and delivers a clear, concise message. Get to the point. Use the twitter model (280 characters) to preview the ultimate point. Speak in bullet points to build the foundation and support for the point. Summarize often, but do not repeat, repeat, and repeat your point. Along the way, someone told lawyers that jurors need to hear, hear, and rehear information so that they get it. When we survey jurors after trials, this is one of their biggest complaints. **STOP REPEATING THE SAME POINTS OVER AND OVER. IF YOU DO YOUR JOB, THEY GET IT.**

### *Earn their Attention*

Attention is not given. For a trial lawyer giving a closing argument or hoping to complete a killer cross examination, attention is earned. It is not given, at least not for long. The authority of their position might buy a few seconds or even minutes of the jury's attention span, but beyond that a trial lawyer must earn the jury's attention. To do that, they must engage the jury and give them content in a way that works for both the jury and the lawyer. A trial lawyer's presentation must be more engaging than what is on the jurors' minds, the fly on the wall, or the other distractions going on in the courtroom.

### *Specific Strategies for Communicating Across Generations*

There are number of considerations that have to be accounted for when preparing for a trial. Courtroom size and dynamics, the judge's preference, the applicable rules, and the budget all impact the extent to which a trial lawyer can incorporate and address the jurors' generational differences in their trial presentation. However, a successful trial lawyer will be cognizant of the juries' influencers and preferred styles of learning and communicating and will plan to incorporate and address those items throughout the trial.

### *Use Twitter to Build a House*

A fairly simple way of communicating and teaching to multiple generations in trial presentation is to use Twitter to build a house. Many trial lawyers have been taught the principle of building a house (or tearing it down) to organize their communications with a jury. Building a house requires sequential steps, brick by brick, and if step is missed, the house falls down. For the trial lawyer, this means that information is organized and presented in the same fashion, sequentially, showing the placement of each brick of information, before ultimately revealing the house at the conclusion of argument. This style can involve a significant amount of lecture and requires that the jury pay attention through the conclusion of the argument. Otherwise, they may miss the entire point of the argument. This long-form lecture style fits well with how Traditionalists and Baby Boomers learned. However, for the more modern Twitter generation juror, that type of

lecture, particularly one that does not or cannot be interactive, can be the exact opposite of their preferred learning method and communication style. How do you mesh these generational preferences together? Using short, Twitter style summary statements to preview important points. Follow those up with the brick-by-brick support information. An example of the Twitter style summary statement of this presentation could be:

Modern juries can be made up of members of four or more generations. Each has a preferred learning and communication styles. An effective trial lawyer will consider and plan to address those learning and communication styles in their trial presentations.

That statement is 255 characters, fitting into Twitter's character count, but it may be too long. The average tweet is 33 characters long, making the perfect summary statement challenging to craft. But, when paired with an effective graphic, that tweet allows a trial lawyer to make their point to jurors with even the most limited attention spans. Even if they do not remember the follow up of the details supporting the tweet, they will remember the short statement of your case.

### *Narrow Your Themes*

Jurors of all generations, and particularly Generation Y, have increasingly short attention spans. Having too many themes will only compound that problem. Narrow your themes, increase their persuasive power, and increase the likelihood that the juror will remember them.

[Incorporate different styles of communication and learning to effectively present to all jurors.]

### *Present the Case Visually*

Research shows that members of Generations X and Y prefer communications that include visual aids. Too much of a good thing, though, can be overwhelming, particularly to members of older generations. Because of that, it is important to remember that when it comes to visual aids, there is more available than just a slide show. And, even then, variety within the information presented electronically is key.

Here are a few tips for presenting a case visually:

- Main points. Use a visual aids that communicates your themes/main points. Where possible use more pictures, videos, and memes than words. Visual aids case help jurors identify elements that reinforce your key themes presented orally.
- Wide range. There are an endless number of visual aids that ranges from complex reconstruction videos to flip charts to 3D models. From the most technologically complex to the most simple, all can be effective.
- Checklists. A low tech way to create a structure for the main points in your case is to a checklists or, similarly, a t-bar list (similar to a pro/con list). For example, in closing, to explain the jury instructions, you can create a checklists of the elements of a cause of action and then use red "X's" to show those elements that plaintiff did not prove. Likewise, you can use a t-bar list to compare/contrast the qualifications of plaintiff's expert and your expert. These are great because they can prepared in different types of



media – handwritten on an overhead projector or tablet, handwritten on a flip chart, or even prepared ahead of time and displayed one item at a time using PowerPoint.

- Headlines. Key statistics, quotes, and other information that can be displayed in the form of a soundbite should be displayed in the form similar to a news headline. The content will resonate with jurors of all ages and younger jurors will be familiar with and appreciate the brevity.
- Opening Statements. Incorporate video and demonstratives in opening statements. Use pictures, graphs, maps, videos to support your initial explanation of the case. [Remember that the deposition of a party can be used for any purpose. Wear the plaintiff out in opening using their own words. Use Hatcher's testimony as an example.]
- Infographics. Hyper polished infographics are an excellent and eye catching way to show a large amount of information in one place. These are now displayed everywhere.
- Experts too. Don't limit the use of visual aids just to lawyers. Require experts to use graphics and demonstratives that help them teach.

### *Teach a 101 Class*

Traditionalists and Baby Boomers prefer to learn from instructors with expertise and authority. Members of Generation Y want to want to be taught, allowing them to understand complex issues, and be empowered to reach a decision on their own. Teaching the basics gives a trial lawyer the opportunity to be seen as the authority and also gives younger jurors the information necessary to become experts on the case and reach their own conclusion, rather than being told how the case should be decided.

### *[Effective Trial Graphics*

At this point, any discussion of visual aids must also include some points on trial graphics. Regardless of their age, most jurors will have inundated with highly creative memes, stunning photographs, and the crisp, clear creativity of an Apple ad. A trial lawyers' graphics are competing against these and the endless number of high quality graphics that are everywhere.

All successful demonstrative graphics provide jurors with a consistent visual starting point around which they can form their own individual impressions. Effectively prepared graphics make a lasting impression, allowing the jurors to remember them in deliberations. They are also cohesive and comprehensively tell the facts and overarching theme of your case.

Effective trial graphics incorporate the following:

- Tell a story;
- Use strong images with relatable associations;
- Use visual analogies to make unfamiliar/complex concepts comprehensible;
- Use easy to understand and easy to see language;
- Use titles and headers;
- Use icons and colors;
- Ensure each word has meaning; and
- Group information together and in bite-sized pieces.]

## CONCLUSION

Ultimately, when it comes to a trial, too much of any one thing is too much! Variety is critical to holding a jury's attention, and it is key when trying to persuade a jury made up of people from multiple generations. There is certainly an art to knowing when to put down the clicker remote, to switch to the flip chart, or to simply talk. But to successfully make those transitions, a trial lawyer must plan. [Imagine the impact of the simple, powerful spoken word at the end of a long day that included colorful charts, gripping videos, and hard hitting checklists.]

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**Generation X:** Born between 1965 and 1979, members of Generation X grew up with oil shortages, the decline of the stock market, the space shuttle Challenger disaster, and John Lennon's assassination. A message of individualism motivate them. Gen X'ers are adaptable, need options, and are non-traditional in how they work. They tend to focus on results and efficiency.

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resonate. Sometimes it may take more than hearing words to make it stick. It takes feeling it. It takes a story.

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Studies show that four hours is the maximum length of time a group can stay engaged. Even within that, a person needs a break or change every 30 to 40 minutes. TED Talks last only 18 minutes. Plan your witnesses and topics of examination accordingly.

### *Keep It Short*

Everyone appreciates a speaker that values their time and delivers a clear, concise message. Get to the point. Use the twitter model (280 characters) to preview the ultimate point. Speak in bullet points to build the foundation and support for the point. Summarize often, but do not repeat, repeat, and repeat your point. Along the way, someone told trial lawyers that jurors need to hear, hear, and rehear information so that they get it. When we survey jurors after trials, this is one of their biggest complaints. **STOP REPEATING THE SAME POINTS OVER AND OVER. IF A TRIAL LAWYERS DOES THEIR JOB, THEY GET IT.**

### *Earn Their Attention*

Attention is not given. For a trial lawyer giving a closing argument or hoping to complete a killer cross examination, attention is earned. It is not given, at least not for long. The authority of their position as lawyer might buy a few seconds or even minutes of the jury's attention span, but beyond that a trial lawyer must earn the jury's attention. To do that, they must engage the jury and give them content in a way that works for both the jury and the lawyer. A trial lawyer's presentation must be more engaging than what is on the jurors' minds, the fly on the wall, or the other distractions going on in the courtroom.

### *Specific Strategies for Communicating Across Generations*

There are number of considerations that have to be accounted for when preparing for a trial. Courtroom size and dynamics, the judge's preference, the applicable rules, and the budget all impact the extent to which a trial lawyer can incorporate and address the jurors' generational differences in their trial presentation. However, a successful trial lawyer will be cognizant of the juries' influencers and preferred styles of learning and communicating and will plan to incorporate and address those items throughout the trial.

### *Use Twitter to Build a House*

A fairly simple way of communicating and teaching to multiple generations in trial presentation is to use Twitter to build a house. Many trial lawyers have been taught the principle of building a house (or tearing it down) to organize their communications with a jury. Building a house requires

sequential steps, brick by brick, and if step is missed, the house falls down. For the trial lawyer, this means that information is organized and presented in the same fashion, sequentially, showing the placement of each brick of information, before ultimately revealing the house at the conclusion of argument. This style can involve a significant amount of lecture and requires that the jury pay attention through the conclusion of the argument. Otherwise, they may miss the entire point of the argument. This long-form lecture style fits well with how Traditionalists and Baby Boomers learned. However, for the more modern Twitter generation juror, that type of lecture, particularly one that does not or cannot be interactive, can be the exact opposite of their preferred learning method and communication style. How do you mesh these generational preferences together? Using short, Twitter style summary statements to preview important points. Follow those up with the brick-by-brick support information. An example of the Twitter style summary statement of this presentation could be:

Modern juries can be made up of members of four or more generations. Each has a preferred learning and communication styles. An effective trial lawyer will consider and plan to address those learning and communication styles in their trial presentations.

That statement is 255 characters, fitting into Twitter's character count, but it may be too long. The average tweet is 33 characters long, making the perfect summary statement challenging to craft. But, when paired with an effective graphic, that tweet allows a trial lawyer to make their point to jurors with even the most limited attention spans. Even if they do not remember the follow up of the details supporting the tweet, they will remember the short statement of your case.

### *Narrow Your Themes*

Jurors of all generations, and particularly Generation Y, have increasingly short attention spans. Having too many themes will only compound that problem. Narrow your themes, increase their persuasive power, and increase the likelihood that the juror will remember them.

### *Present the Case Visually*

Research shows that members of Generations X and Y prefer communications that include visual aids. Too much of a good thing, though, can be overwhelming, particularly to members of older generations. Because of that, it is important to remember that when it comes to visual aids, there is more available than just a slide show. And, even then, variety within the information presented electronically is key.

Here are a few tips for presenting a case visually:

- Main points. Use a visual aids that communicates your themes/main points. Where possible use more pictures, videos, and memes than words. Visual aids case help jurors identify elements that reinforce your key themes presented orally.
- Wide range. There are an endless number of visual aids that range from complex reconstruction videos to flip charts to 3D models. From the most technologically complex to the most simple, all can be effective.

- Checklists. A low tech way to create a structure for the main points in your case is to a checklists or, similarly, a t-bar list (similar to a pro/con list). For example, in closing, to explain the jury instructions, you can create a checklists of the elements of a cause of action and then use red “X’s” to show those elements that plaintiff did not prove. Likewise, you can use a t-bar list to compare/contrast the qualifications of plaintiff’s expert and your expert. These are great because they can prepared in different types of media – handwritten on an overhead projector or tablet, handwritten on a flip chart, or even prepared ahead of time and displayed one item at a time using PowerPoint.
- Headlines. Key statistics, quotes, and other information that can be displayed in the form of a soundbite should be displayed in the form similar to a news headline. The content will resonate with jurors of all ages and younger jurors will be familiar with and appreciate the brevity.
- Opening Statements. Incorporate video and demonstratives in opening statements. Use pictures, graphs, maps, videos to support your initial explanation of the case.
- Infographics. Hyper polished infographics are an excellent and eye catching way to show a large amount of information in one place. These are now displayed everywhere.
- Experts too. Don’t limit the use of visual aids just to lawyers. Require experts to use graphics and demonstratives that help them teach.

### *Teach a 101 Class*

Traditionalists and Baby Boomers prefer to learn from instructors with expertise and authority. Members of Generation Y want to want to be taught, allowing them to understand complex issues, and be empowered to reach a decision on their own. Teaching the basics gives a trial lawyer the opportunity to be seen as the authority and also gives younger jurors the information necessary to become experts on the case and reach their own conclusion, rather than being told how the case should be decided.

### *Effective Trial Graphics*

At this point, any discussion of visual aids must also include some points on trial graphics. Regardless of their age, most jurors will have inundated with highly creative memes, stunning photographs, and the crisp, clear creativity of an Apple ad. A trial lawyers’ graphics are competing against these and the endless number of high quality graphics that are everywhere.

All successful demonstrative graphics provide jurors with a consistent visual starting point around which they can form their own individual impressions. Effectively prepared graphics make a lasting impression, allowing the jurors to remember them in deliberations. They are also cohesive and comprehensively tell the facts and overarching theme of your case.

Effective trial graphics incorporate the following:

- Tell a story;
- Use strong images with relatable associations;
- Use visual analogies to make unfamiliar/complex concepts comprehensible;
- Use easy to understand and easy to see language;



- Use titles and headers;
- Use icons and colors;
- Ensure each word has meaning; and
- Group information together and in bite-sized pieces.

## **CONCLUSION**

Ultimately, when it comes to a trial, too much of any one thing is too much! Variety is critical to holding a jury's attention, and it is key when trying to persuade a jury made up of people from multiple generations. There is certainly an art to knowing when to put down the clicker remote, to switch to the flip chart, or to simply talk. But to successfully make those transitions, a trial lawyer must plan ahead, and in doing so, they will be prepared to effectively communicate with the diverse, modern-day jury.