

PowerPoint: a Surfeit of Torture

A few years ago, a new client asked us to consult and design visuals for his upcoming insurance defense trial. Since then, we have worked with him on several cases, but back then we had never seen him in action, and did not know his courtroom style or strengths.

It was a complex \$20M case, further distorted by over-10-years of delay to bring it to trial. Our client knew every nook and cranny of his case, yet as we got closer to mock trial he was insistent on using PowerPoint. We strongly objected — as did the jury consultants — but our new client pressed on. Thanks to the mock, to several rehearsals, and to three court delays, by the time the courtroom Opening Statement actually took place, our client had weaned himself of much of the PowerPoint. Good thing. On his feet and without notes, he is one of the finest trial attorneys we've seen, a virtuoso at cross-exam. The jury agreed, with its verdict.

PowerPoint can be a serious mistake for anyone, but especially litigators. It makes the presentation *and* the presenter boring. A juror can read words three times faster than you can speak them (The PP slide typically shows 40 words, which is about 8 seconds of silent reading material), so don't use the slide as your script. In fact, don't use PowerPoint for any serious presentation, because, as information design authority Edward Tufte points out in his book *Beautiful Evidence*, "The core ideas of teaching — explanation, reasoning, finding things out, questioning, content, evidence, credible authority ... are contrary to the cognitive style of PowerPoint." And isn't teaching and persuasion the central mission of any successful trial attorney?

"Consumers of presentations might well be skeptical of speakers who rely on PowerPoint's cognitive style. It is possible that these speakers are not evidence-oriented, and are serving up some PP phluff to mask their lousy content." -- Edward Tufte

PowerPoint may be a useful prop for the weakest speakers, but according to extensive cognitive research by Tufte, PowerPoint "tends to make audiences ignorant and passive, and also to

diminish the credibility of the presenter ... In practice, PP slides are very low resolution compared to ... the immense visual capacities of the human eye-brain system."

This is because stacked information, even with frilly clip-art, doesn't communicate context or evaluate relationships — a problem with other off-the-shelf software as well. They produce nothing more than "fragmented pre-sentence grunts." Voice-mail menu systems made visual. From a cognitive perspective, greater detail actually creates greater clarity and understanding in a jury. The PowerPoint *system* is visually incapable of providing that kind of support.

To make evidence persuasive and memorable, both thematically and visually, you need a story and a context (more on that in future newsletters). According to master storyteller and award-winning screenwriting coach, Robert McKee, PowerPoint is associated with "companyspeak ... and routinely greeted with cynicism, lassitude, or outright dismissal." (Harvard Business Review 2003)

Edward Tufte says, "PowerPoint is like being trapped in the style of early Egyptian flatland cartoons rather than using the more effective tools of Renaissance visual representation."



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