

## Antidote for the distracted brain

As trial attorneys and as strategic visual trial consultants, we need to reach juries, judges and arbitration panels with our stories. To make these stories effective we need to fully understand the implications of recent shifts in the craft of storytelling. Not only have the law and pop culture intermingled (see "The CSI Effect" in the June 2006 issue of Clear thinking), but our collective speaking habits, jargon and technology have altered storytelling in court. Less obviously, there have been shifts in cognitive cues for people in our society that are of tremendous consequence to us as storytellers.

Nicholas Carr in a recent Atlantic magazine article "Is Google Making Us Stupid?" points out that technology has historically had an impact on our most basic instincts. For instance, the introduction of the clock: "In deciding when to eat, to work, to sleep, to rise, we stopped listening to our senses and started obeying the clock." Carr quotes developmental psychologist Maryanne Wolf's research that has found that today "our ability to interpret text, to make rich mental connections . . . (now) remains largely disengaged" thanks to the Internet. As Marshall McLuhan suggested 40 years ago, media are not just passive channels of information, they affect the way that we think.

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In our 2005 LA Daily Journal article, "[The New Brain](#)," we began to explore how our collective brains have changed and the consequences those changes have on storytelling in court. Since that article,

television has started adapting to the Internet. We see frames filled with channel bugs, text crawls and pop up promotions. Segments in TV shows, which previously ran 12-13 minutes, now run 7 minutes or less. It is a level of distraction that curtails our already short attention span and undermines the deep thinking required by a jury.

We cannot fight the tide, but to be successful in court our response needs to funnel its effect. One key way is to use "chunks" of information. In "Telling Ain't Learning," a book dedicated to corporate training and learning, Harold Stolovitch and Erica Keeps discuss short-term memory and how rapidly information disappears (10-15 seconds). "Research suggests that five to nine items (or chunks) of information can be accommodated at a time." The size of the chunk depends somewhat on the prior knowledge of the learner and the definition of a "chunk."

For instance, you can read the numbers 214 as three numbers (three chunks) or as the Dallas area code (one chunk). "For training and learning purposes, it's important to create meaningful chunks that condense several pieces of information into one. This facilitates perception, learning and retention." For us in court, carefully crafted images, each dedicated to one key argument in your story, are the chunks that jurors are able to retain -- whether they are young multi-taskers or retirees. Don't overload the screen with too much information. Each image should organically lead to the next chunk, basically building the plot points in your story. And reinforce key arguments verbally and visually using a variety of media.