

A Few Words of Caution About Computer Presentations

by Francis J. Carney

EDITOR'S NOTE: *The following is based on a presentation originally given at the Annual Meeting of the Utah State Bar, Coronado Hotel, San Diego, California, July 2000, and recently updated.*

A few years ago, Gen. Hugh Shelton, then-Chairman of the Joint Chiefs of Staff, issued an order to all United States military personnel to stop using presentation software in their e-mail briefings. The reason? All the bells and whistles were clogging the armed forces' limited bandwidth and, more importantly, detracting from junior officers' attempts at conveying essential information.¹

Louis Caldera, the former Secretary of the Army, suggested that PowerPoint presentations are alienating lawmakers: "People are not listening to us because they are spending too much time trying to understand these incredibly complex slides."²

Edward R. Tufte, the guru of information graphics and author of "The Visual Display of Qualitative Information" (1983) notes a dismaying trend toward what he calls "chart junk" (meaningless tricks done only because the program allows them to be done), and visual flash and dash instead of real analysis of useful information.³

In her entertaining article, "Power Pointless," Rebecca Ganzel points out that electronic presentations divert the attention of both audience and speaker from the presenter's message to what is essentially a series of pictures. "The slide show, once peripheral to a presentationhas become its center, even its reason for being."⁴

The excuse that half the audience may be "visual learners" doesn't cut it: even visual learners learn from *graphics*, not word-chocked bullet slides. We can't expect an audience to absorb information simultaneously from both the ear and the eye.

PowerPoint⁵ can become a crutch for the nervous speaker to get through a presentation; any good presentation will have the presenter as its prime focus, not the graphics. As Ms. Ganzel notes, it sets up the novice speakers for what they really want to do any-

way: take a back seat to their visuals. In trial we might as well just send a memo to the jury rather than make a closing argument.

The lure of PowerPoint has caught on, belatedly, in the legal field. I do not quibble with the idea that a good visual exhibit will enliven any argument, and I was an early advocate of the use of PowerPoint in the courtroom. My suggestion is merely that a little moderation in embracing computer visuals is needed.

Thoughts on Effectively Using PowerPoint

First, ask if computer visuals are going to add anything that cannot be done better with posterboards, blowups, or simply your own voice. Graphics are especially suited for presenting matters of size, distance, and quantity. But this isn't always the case.

Suppose we wanted to convey the relative size and distances of the planets in the solar system. We could put together a visual like something out of *National Geographic*. Or we could paint a word picture for our audience:

Imagine a stellar salad. The Sun would be a pumpkin about a foot in diameter in the center.

The first planet, Mercury, would then be the size of a tomato seed about 50 feet away. Venus would be a pea about 75 feet away, Earth would be a pea about 100 feet away, and Mars would be a little raisin about 175 feet away.

The gas giant, Jupiter, is an apple two football fields away, the ringed Saturn a peach a thousand feet away, Uranus a plum two thousand feet away, and Neptune another plum 3225 feet away.

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Tiny Pluto, the last planet in our solar system, is the size of a strawberry seed and a mile from our pumpkin, the Sun.⁶

Which is more effective?

A persuasive speaker is diminished, not aided, by overuse of visuals. What comes to mind when we think of Ross Perot? Probably not "great speaker," but more likely "that odd little guy with all the charts."

Can you imagine PowerPoint adding something to Henry V's speech to his cornered, ragged band of brothers before Agincourt? Or Churchill's stirring words in the black days of the summer of 1940 about fighting the Nazis on the beaches, on the streets, and never surrendering? True, most of us aren't and never will be speakers of that caliber, and so can always use visuals to bolster our arguments. The key, again, is moderation and a little foresight.

I highly recommend the short paperback *The Articulate Executive* by Granville N. Toogood (McGraw-Hill 1995). Chapters 22 through 25 of Mr. Toogood's book are a must-read for anyone — lawyer or otherwise — contemplating the use of a computer-assisted presentation in a speech. Mr. Toogood suggests that slides be *only* used for graphics (not words) and that they should only be seen *after* the speaker has already made the point, as a kind of reinforcement.

Computer-assisted presentations *can be* highly effective — if not unequalled — for the presentation of visual evidence, such as reconstructions or deposition excerpts. Much of the brain work of a trial lawyer ought to be devising demonstrative exhibits to make the points. They are wonderful for:

- Photographs
- Video deposition excerpts
- Trial testimony video excerpts
- Charts (of the intelligible variety)
- Simulations and reconstructions
- Diagrams
- Copies of exhibits (if used sparingly)

Stay away from the "Mitch Miller" approach.

If you find it necessary to use bullet slides, follow these suggestions:

- Use a standard template provided by the software program — do not attempt to create your mix of colors and fonts.

- Use only one template throughout the presentation
- No more than three or four bullet points on a slide.
- No more than five words per bullet point.

In other words, keep it simple. The novice is irresistibly inclined toward making slides *too busy*, with too many (often clashing) colors, too much verbiage, too many fonts, and unnecessary fripperies, such as animation and sound.

A *physical* exhibit — like a blowup — is often a better way to go on key exhibits. If put into a computer presentation, it disappears once the next slide appears. A blowup stays right there in front of the jury. Blowups, therefore, are still the better option for something that's going to be used time and again during the trial, like a crucial document page or photograph.

I find myself drawn back to the plain old white flip sheets. You know, the time-tried method of writing as you speak to the jury or witness. The flip sheet is more flexible during argument to the jury because it puts the attention back on you and not on the screen, and it can even be used to jot down pre-written points to remind you of your argument. The power of your personality, the truth in your words; these are the things that will convince people

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of your case. Your voice and, equally, if not more important, your eyes, show them the way.

Preparation and Practical Considerations

Then there are the practical considerations:

- Check the brightness (lumens) of your projector. The newer ones will not require much darkening of the courtroom. Your projector will normally be rented; find the newest and brightest and don't worry about the weight. (Lighter weight usually means dimmer output.)
- Know how to use the input/output controls on the projector and how it interfaces the notebook computer *before* stepping into the courtroom.
- Test the *noisiness* of the fan. (This can be surprisingly distracting in a quiet courtroom.)
- Turn off all power management and screen savers before your presentation. (Otherwise you may find your vacation photos popping up in the middle of your closing argument. Worse, the screen may go blank.) In Windows, go to the Control Panel, click on "Power Management," and turn off all power management options. For the screen saver, right click anywhere on the Desktop, left click on "Properties," and go to "Screen Saver." Make sure it says "none."
- When creating a presentation, use the TIFF format for documents and JPEG for photographs. Learn to save in these formats. Otherwise, your presentation file will rapidly become huge – and slow.
- Get a remote control for the computer and familiarize yourself with it. That way you won't need to run back to counsel table or the lectern to change slides.
- On the topic of remote controllers, remember that infrared is line-of-sight but RF (radio frequency) allows you to roam anywhere. Use RF (radio frequency) instead of infrared – the latter requires a line-of-sight connection and necessitates "pointing" at the receiver.
- I have stopped using laser pointers in courtroom arguments where the screen is in reach. They detract from the message and distance you from the jury. Of course, in lecture halls, with larger screens, they may be necessary.
- Don't stand back and "watch" the slide show with the jury.

Stand at the screen, in their line of sight, and point things out on the screen as needed – just like the television weatherman does it. Obviously, this requires an assistant or a remote control device.

- Use the "B" key to blank the screen while making key points – the focus shifts back to you, the speaker, when the screen is black.
- Back up your presentation program under separate names, for example, "Closing – 1." Simply use the "save as" function and remember to then *close* the file and go back to working on your original. (This will spare you the agony of losing it all ninety percent of the way through.)
- Go to court and familiarize yourself with the layout. Where are the power sockets? How much power cord do you need? Does the clerk/bailiff have any special concerns?
- One final, but critical point: *Talk to the courtroom staff.* These people know their business and are willing to share their knowledge with you: As lawyers, one of our great faults is looking down our collective noses at courtroom staff and they rightfully resent it. These people know more about the courtroom environment than we do. They have suggestions and ideas that are worth listening to.

Although most of these suggestions are obvious you'd be amazed at how many times I've seen (and heard judges report) attorneys fumbling over their equipment.

The final point of preparation is to consider this: what are you going to do if your computer crashes? Always, always, have an alternative if disaster strikes.

Checklist for Your Presentation

Perhaps I am more forgetful than most, but I strongly recommend that you keep a checklist of everything that you will need in your presentation. Here's my list:

- Notebook computer (at least Pentium Classic, preferably P4. Many professionals use a second laptop loaded with the identical presentation for backup at trial.)
- Projector
- Connector cable from projector to notebook.
- Screen (and learn how to extend it!)
- Mouse (built-in mouse substitutes are unwieldy)

- AC adaptor for the laptop
- USB port multiplier (many laptops have only one or two USB ports.)
- Power cord for the projector
- A "power strip," fifteen-foot extension cord, and extra three-prong extension cords
- Remote control for computer, with extra battery – use RF, not infrared.
- Small screwdriver for making connections on connector cable
- Extra bulb for the projector
- Two rolls of duct tape for restraining power cords
- Paper copy of slides (in case all fails)

Get a Geek

A technogeek who understands how everything works is also nice, if only for your peace of mind. Learning all of the necessary details and remembering them under the pressure of a trial is a lot to expect. You don't have time to learn all of this just before trial and you should not be distracted by it. There are people who will handle it all, and do it well, for a fee.

Other Programs

PowerPoint and Presentations are simple programs to use. But they are the basics: no power steering, no power windows, no air conditioning. There are more powerful programs available for the display of graphic information in the courtroom. These programs carry many outstanding features, such as allowing you to display video deposition testimony with the transcript appearing underneath the monitor frame, present documents on-screen that can be highlighted, marked, and otherwise manipulate exhibits and graphics. They are also "non-linear" and "on-the-fly" programs that allow you to manipulate images on the spot without going through the next slide/next slide pre-designed approach of PowerPoint.

Perhaps the best-known of these products is "Trial Director" from InData Corporation, 800-828-8292 or www.indatacorp.com. This was the program (in conjunction with "Summation") that was used to such effect against Microsoft by the Department of Justice in the 1999 antitrust bench trial.

A competitor is "Sanction" trial presentation software from Verdict

Systems LLC, www.verdictsystems.com, or 490-627-2430. Recently the "Visionary" program has begun to be distributed for free over the internet. The writers claim it will do everything that the \$600 Sanction and Trial Director programs will – and at no cost. Find it here: www.visionarylegaltechnologies.com

A presentation can even be done in simple .html format – just like web pages – by using such software as MS Publisher or the equivalent.

Conclusion

After seven years of using PowerPoint and other computer-generated programs, I find myself using them less often in court, not more. Other attorneys have told me that they share this phenomenon – more familiarity, less enthusiasm. In its place, the computer adds to an effective trial presentation. Used poorly, it has the opposite result. *Caveat emptor*:

¹Greg Jaffe, *What's Your Point, Lieutenant?*, WALL STREET JOURNAL, April 26, 2000. Also, be sure to take a look at the "PowerPoint Ranger's Creed" in the materials.
²*Id.*
³David Corcoran, *Campaigning for Charis That Teach*, NEW YORK TIMES, February 6, 2000.
⁴Rebecca Ganzel, *Power Pointless*, PRESENTATIONS MAGAZINE, February 2000. Found at www.presentations.com. This on-line magazine is an excellent source of commentary and reviews on presentation software.
⁵PowerPoint® is the Microsoft brand of computer presentation software. Presentations® is the equivalent from Corel, the makers of the Word Perfect suites. If you own either Microsoft's or Corel's office suites, you probably also own their respective presentation software package.
⁶Shamelessly stolen from "Ask Marilyn," by Marilyn Vos Savant, in *Parade Magazine*, April 30, 2000.

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