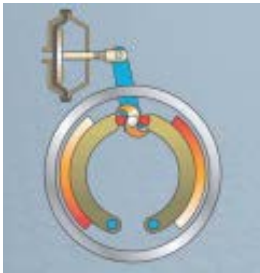


How to Create an Opening Statement Using Graphic Immersion

by Morgan C. Smith

Owner of [Cogent Legal](#)

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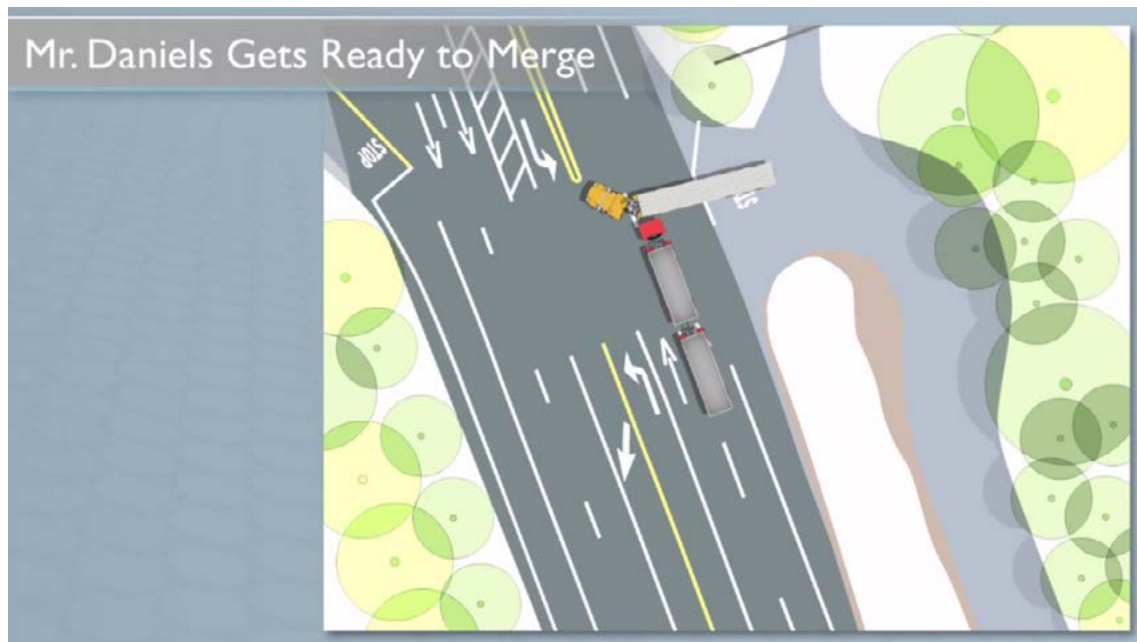
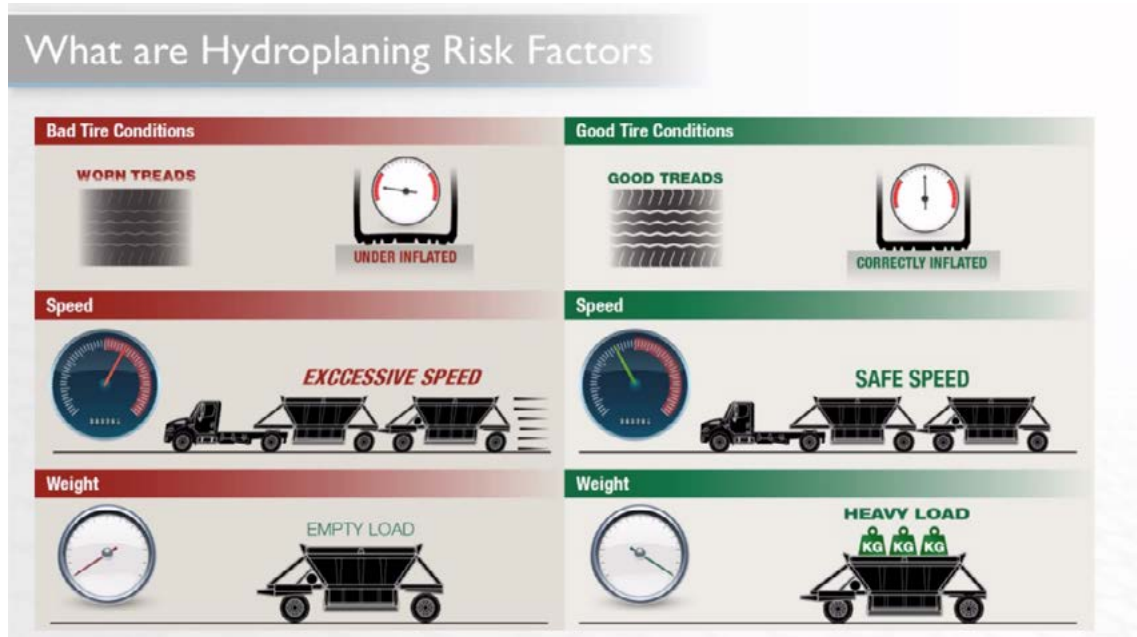
I recently had the pleasure of doing a presentation for the San Francisco Trial Lawyers Association on technology in the courtroom. My co-presenters ([Miles Cooper](#) of Rouda, Feder, Tietjen & McGuinn and [Jeff Smith](#) from Abramson Smith Waldsmith, LLP) and I decided it would be more fun and inspiring to show the final results of a well-put-together visual case presentation using trial technology, rather than a step-by-step explanation of how to use that technology. That way we could show the power of the end result rather than the more technical steps to get there.

My part in the presentation concerned opening statements, and I wanted to share a highly graphically immersive style of opening that allows an attorney to persuasively convey a great deal of information in a short period of time. Since the focus of the presentation was partly on short matters like [one-day trials](#) or arbitration, the use of graphics in such settings can be tremendously valuable and helpful to the finder of fact.

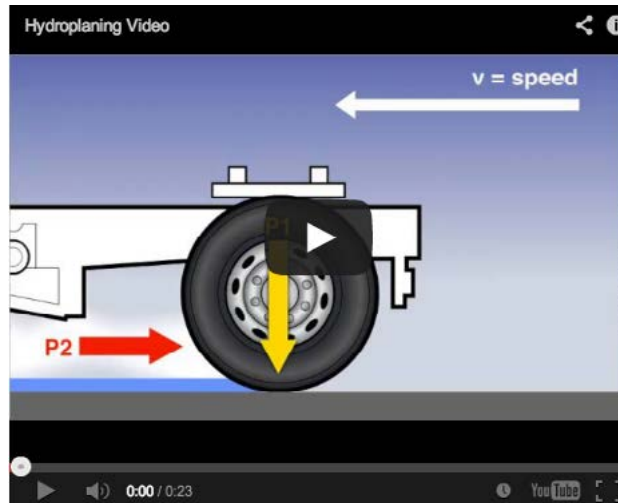
I started my presentation by addressing the legitimate question, why use graphics at trial at all? The answer is because study after study has concluded that after three days, people only retain about 10% of what they hear, 35% of what they see, but **65% of what they see and hear together**. Combining the powerful oral skills of a good attorney with a visual backing that constantly re-enforces the attorney's points is the best way to ensure that the information gets through and sticks with your audience.

The example I used was actually for a few cases melded together to create one opening. In this sample composite case, the plaintiff claimed the defendant truck driver was driving too fast and hydroplaned in the rain, causing the defendant to lose control and strike plaintiff's truck, which caused a brain injury. The defense to the case is that plaintiff caused the accident by pulling out onto the highway from a small side road directly in front of the defendant's truck, causing defendant to lose control of his truck, brake hard and hydroplane into the plaintiff.

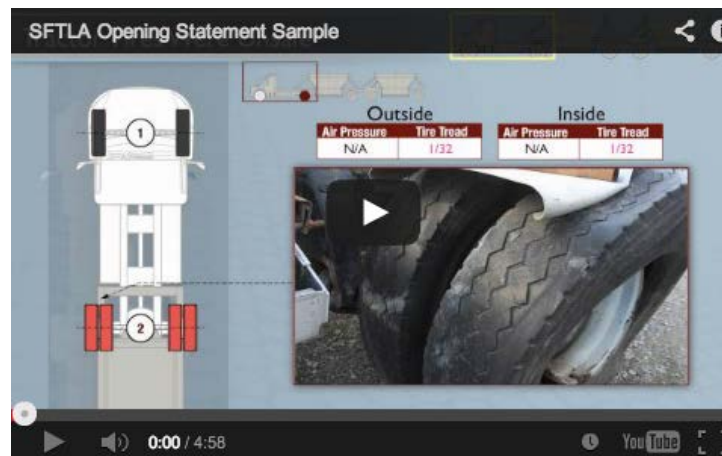
The graphics—shown below in screen shots and in a video that presents them all together—give a tutorial for the jury on the nature of hydroplaning and its causes. I also included an expert’s re-creation showing diagrams of the truck movements starting 4 seconds from the impact to visualize movements of the vehicle.



We also created several short animations, such as this one explaining the physics of hydroplaning:



Finally, I hope you'll watch the video below because it provides a good example of how we suggest attorneys put together the graphics for a powerful visual opening. What's missing from the video, of course, is the attorney's oral opening (the video has no sound or captions), so you'll have to use your imagination and view the graphics as if an attorney were delivering his or her argument in court with the graphics displayed in the background.



Please vote for your favorite law firms and legal services providers in *The Recorder's* 2013 "Best Of" poll before July 15. Cogent Legal is nominated in category #30, "Best Courtroom Presentation Provider," and we'd appreciate your vote.

*Morgan Smith is the owner of **Cogent Legal**, a litigation graphics and trial strategy firm based in the San Francisco Bay Area that develops clear and compelling visual presentations for attorneys to use in mediation or trial. Services include animations, 2D and 3D graphics, medical illustrations, PowerPoint or Keynote presentations, interactive timelines, videos, strategic consulting and trial support. Cogent Legal integrates the legal expertise of a successful trial attorney with the creative and technical talent of a design firm.*