



The Focal Point LLC

What I Learned From Billboards

Back in 1925, Clinton Odell, whose family business produced the first brushless shaving cream, created a whole new way of advertising to newly mobile Americans. Precursors to the modern billboard, these advertisements were comprised of six signs, placed about 100 yards apart, with pithy slogans, rhymes, and riddles about the newfangled shaving cream distributed across them.

“Your shaving brush / Has had its day / So why not / Shave the modern way / With / Burma-Shave,” one of the early series teased from six roadside signs. Another proclaimed: “Within this vale / Of toil / And sin / Your head grows bald / But not your chin - use / Burma-Shave.” Still another was aimed at the wives: “Does your husband / Misbehave / Grunt and grumble / Rant and rave / Shoot the brute some / Burma-Shave.”

The Burma-Shave signs were not billboards as we know them today; they were small, red, T-shaped signs with bold white lettering. But Odell was onto something: His signs were easy for people to read and comprehend as they whizzed by – plus they were entertaining. Modern designers create similarly eye-catching billboards – ones that have both a powerful message and a format that makes the message “pop,” so that viewers can get the point quickly.

I think of billboards often when working on trial graphics, because both billboards and trial graphics benefit from a clear understanding of information architecture – the art and science of structuring and presenting material to make it easy to understand. And while billboards are for *selling* and trial graphics are for *teaching*, both are created to convey a message and convince the audience of a certain version of the truth. While most trial attorneys understand this general

idea, too many trial graphics suffer because attorneys weren't sure just which message should be presented – and how.

The first rule of information architecture is that you have to recognize the limits of time and space. A billboard's time and space is limited by the size of the structure and the speed at which people drive by. A trial graphic's time and space are limited by the court. Time is restricted because you get only so much of it before the judge gives you a warning. Also a juror will look at a trial graphic for only so long before she loses interest. Space is limited because there is only so much information you can put on a graphic and still have it be legible and make sense.

Indeed, time and space are the *most* limited (and therefore precious) elements for any trial graphic. But that does not mean your hands are tied. Artists, journalists, copywriters, poets, billboard designers, and trial graphics consultants know that time and space limits force people to be more creative, not less. That is because the very limits of a canvas, newspaper column, 30-second radio ad, 17-syllable haiku, billboard – or 36" x 48" trial graphic – force us to identify the most important message.

The second rule of information architecture is that you have to simplify the content. And to do that, you have to include only the facts that are most relevant to the message you want your graphic to convey. This is a difficult task, but a necessary one.

The third rule of information architecture is that after you identify the facts to be included on the graphic, you allocate space and time to them according to their worth.

Say you are representing a plaintiff in a suit against a sign company whose sign crashed to the ground and broke the client's windows. And you want to focus on one key phrase in a deposition transcript that shows the defendant's claim that he had no idea this could happen is false. You do not need to show a whole

page of the transcript. Instead, you might show a fragment of the transcript, and then highlight the operative phrase to get the jurors to focus on it – whether it is “I thought the bolts looked funny” or “yes, this has happened before.”

You will need to add some authenticating details – perhaps a picture of the relevant transcript page or a citation for the deposition. But give supporting details only a supporting role on the graphic, by putting them to the side or in a smaller font, for instance. That helps jurors stay focused on the most important message.

The very most prime real estate on any trial graphic is the title. Why? This is your chance to tell the jurors why you’re putting up a graphic in the first place. Unfortunately, the titles on most trial graphics are less than inspiring. Many serve only as labels (e.g., “Stevens v. Sign Co., graphic #3) – not particularly useful as the jury already knows the name of your case. Other titles simply identify the document (“Trial Exhibit #4, Sign Hanger Deposition, 1/10/09”), again, not very informative.

A title that summarizes the graphic’s point is far more effective. Try simply stating it outright: e.g., “Sign Co.’s signs have fallen before.” Or use a quote from the deposition: e.g., “It’s not the first time this has happened.” Optimize your space by putting the title in a larger font or different color than the rest of the text.

One of the most important techniques one can learn from the Burma Shave campaign is to pace the information. By that I mean deliver the complex information in small bits that build upon each other in sequence, rather than putting all of it up at once.

Pacing the delivery of complex information helps trial lawyers communicate more powerfully in several ways. First, each time the lawyer reveals new information, he gets what I call the “6-second honeymoon,” that brief period when jurors see that something novel is being presented and renew their vow to pay attention. Second, pacing information helps focus the lawyer’s story, so that she stays on

point. Finally, when information is introduced in stages, jurors have time to absorb the concepts, rather than being overwhelmed by seeing them at the same time.

In the courtroom, you can start with a base graphic, then layer new bits of information on top as you need them, until the final graphic has all the information you originally meant to present. Need to show that Sign Co's have crashed to the ground before? If you display a 100-field chart filled with the details of each accident, you'll lose your jurors after describing five of the episodes. Instead, use overlays to add episode after episode to a simple timeline, choosing only the most dramatic ones to narrate orally.

Again, you only have so much time and space. And jurors can only remember so many details. Your goal in creating courtroom graphics is to create tools that help the jury understand (and remember) your version of the truth. There will always be tension between your desire to provide more information and the need to limit how much you provide. From this tension comes creativity, and a more focused and powerful presentation.

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