



# Visual Persuasion

Demonstrative Evidence That Informs and Transforms

## TIMELINES: ADMISSIBLE DEMONSTRATIVE EVIDENCE

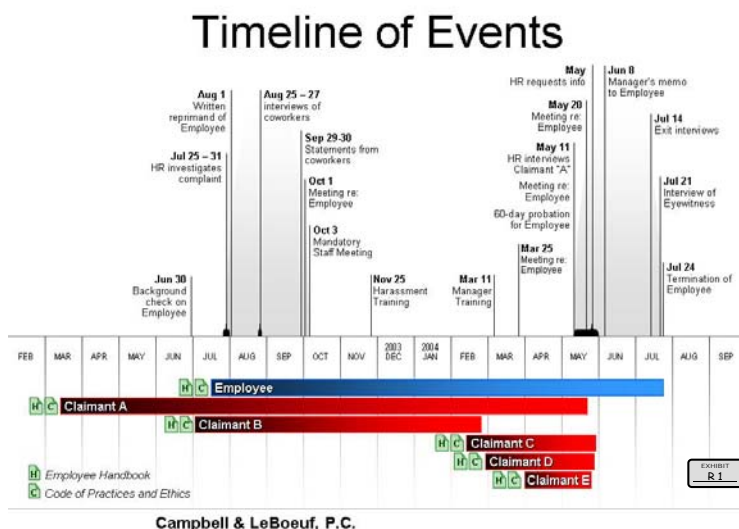
“Demonstrative evidence is *admissible* material used to illustrate a witness’s testimony or make other evidence more comprehensible...”<sup>1</sup> It must meet the requirements of all illustrative material used in court:

- ▶ not violating any substantive rule of evidence,
- ▶ relevancy, and
- ▶ fairness and accuracy.

In addition, to be admissible, demonstrative evidence is based on underlying data that is:

- ▶ too voluminous to be conveniently examined in court,
- ▶ independently admissible, and
- ▶ made available to opposing counsel to examine prior to the use of the exhibit.

Timelines are good examples of demonstrative evidence because they graphically summarize a large number of significant events. The following timeline was created to show the proactive role of a defendant in protecting its employees against harassment. The timeline was presented in two formats: 1) a static display on exhibit board that was in view throughout the proceedings; and 2) an interactive A/V presentation that included supporting exhibits and videotaped testimony.



The timeline was prepared using data taken from exhibits that were jointly introduced by the parties. Opposing counsel received a printed copy of the timeline well before the proceedings started. At the conclusion of several days of testimony, the timeline was admitted as an exhibit (over the objections of opposing counsel).

## THE EVOLUTION OF A GOOD DE EXHIBIT

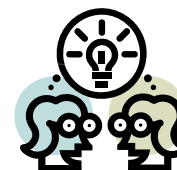
Good demonstrative evidence is the result of collaboration between the lead attorney and the demonstrative evidence specialist.

In complex matters, involve the DE specialist early in the process. Inviting the specialist to observe discussions of legal theories helps to identify important nuances that influence the exhibit. The specialist’s clarifying questions may even help the attorney to articulate an important detail in the argument.

Once the legal arguments and supporting exhibits have been identified by the attorney, the concepts and data become the inspiration for the specialist’s work.

Early drafts and modifications to the exhibit focus the argument and begin to reveal the desired outcome for the final draft.

Campbell & LeBoeuf employs an in-house specialist in order to work closely with the attorneys to prepare demonstrative evidence that fits the unique needs of each client.



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<sup>1</sup> G. Christopher Ritter. *Creating Winning Trial Strategies and Graphics*, ABA, 2004.

