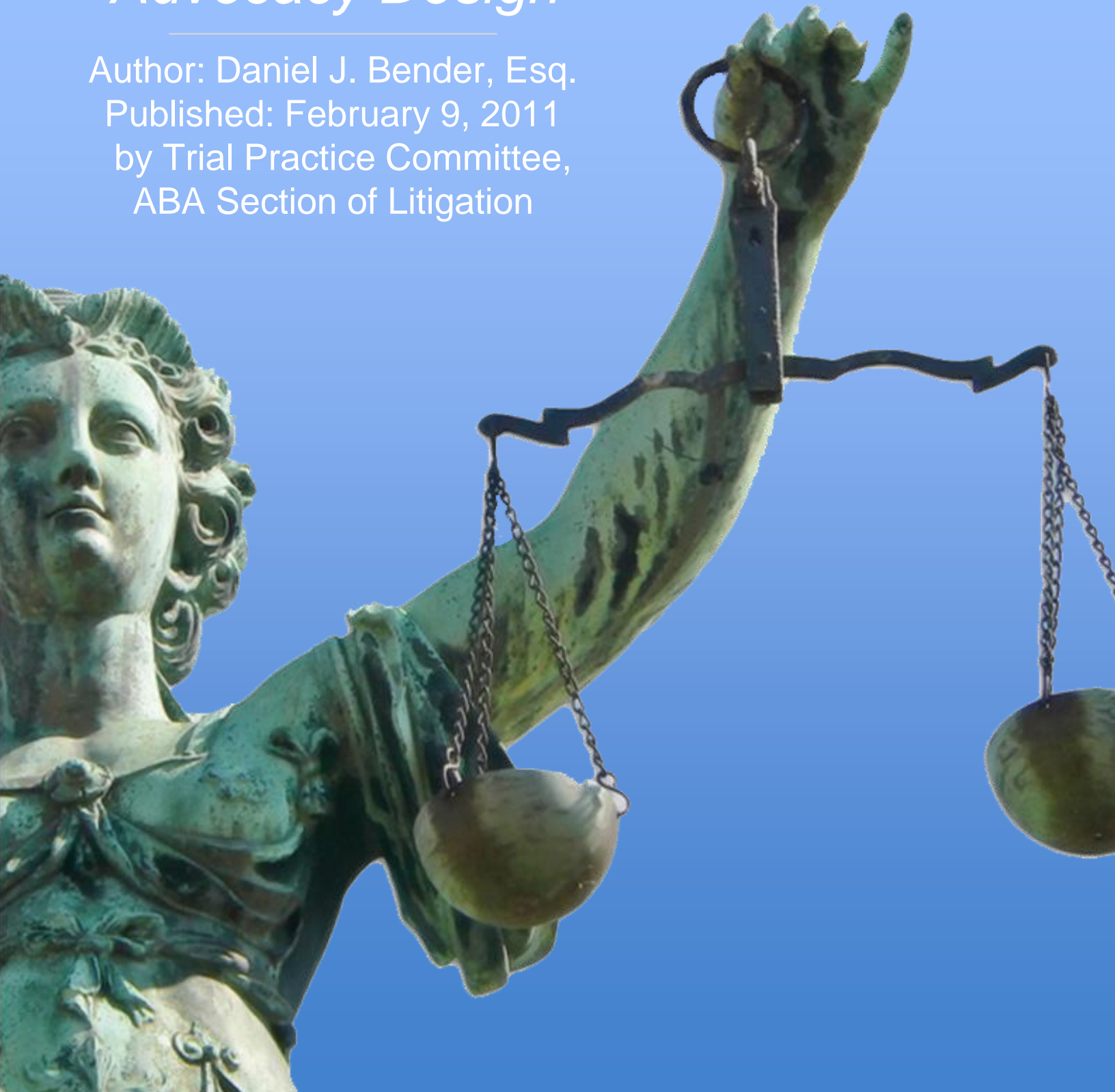


The Art of Advocacy Design

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The Art of Advocacy Design

By Daniel J. Bender – February 9, 2011

Every day every one of us is bombarded with visual information. Advocacy Design is the art of creating visuals meant to persuade viewers, not just inform them. Advocacy Graphics must be credible, understandable, and memorable in order to be persuasive.

Advocacy Design is different from information design. Edward Tufte is perhaps the most well known name in information design, and his views are well known for general applications such as charts in books, kiosk displays, computer interfaces, and websites. The key difference is that information design is meant to make visuals clear while Advocacy Design is meant to make visuals persuasive.

Advocacy Design is most often employed in legal proceedings, issue advocacy/lobbying, and the like. The most common targets of Advocacy Design are jurors, judges, and policy makers. These audiences are critical to your position whether in court or policy making.

Goal ➔ Strategy ➔ Visuals

Advocacy Design is the seamless integration of the Goal ➔ Strategy ➔ Visuals process.

Identifying a clear **Goal** – how the Advocacy Designer wants the target to think, feel, or act – is the first step. The goal could be swaying the jury that your client's actions were "reasonable," persuading the judge that a contract clause has a particular meaning, or convincing a legislator that the passage of a particular bill will benefit your client. Everything that happens in the design process must be measured against whether or not it advances your goal.

The **Strategy** to reach that goal takes different forms depending on whom you are trying to influence and what you are trying to advocate. To develop an effective strategy, you need to answer questions such as: Which information will you emphasize? Which documents will you show? Which analogies will you use? Which themes will you develop? Which supporting data sets can you use? Which is the best medium of the message? Answering these and other similar questions will help you to reach your goal in an organized, methodical, and efficient manner. Develop a strategy which will help you to reach your goal, but also prepare to be flexible and make changes throughout the process.

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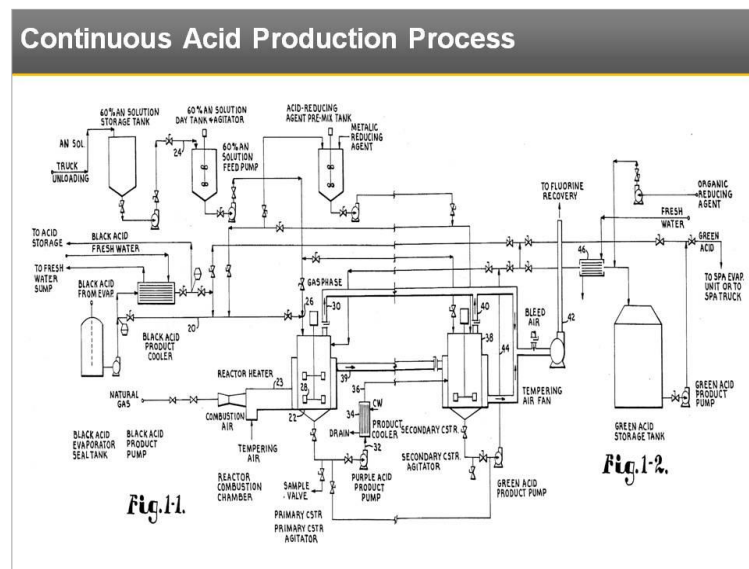
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Creating effective **Visuals** defined by your strategy requires the implementation of three key design factors: Know the User, Lightning Speed Principle, and Differential Emphasis. Use of these factors will help to drive the persuasiveness of the visual, as opposed to merely displaying data as is the goal of an information graphics.

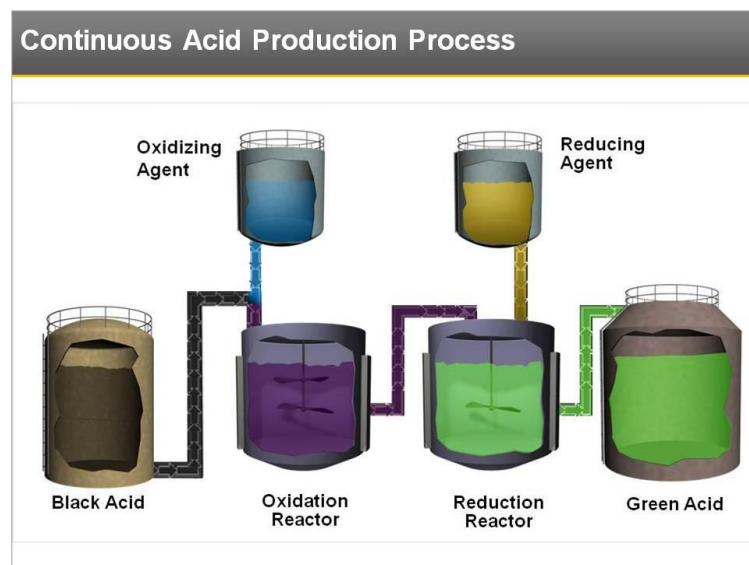
Know the User – Audience

Know the User is the step requiring the Advocacy Designer to make the visual custom tailored to the specific audience and the situation.

The Advocacy Designer must always consider the target audience’s make up and background. Different audiences need different levels and types of messages. Is your trial in West Texas, where a football analogy might resonate with the jury? Perhaps the case is in a solidly conservative or liberal jurisdiction, affecting the themes of the case. As the example below demonstrates, a lawyer’s presentation to a judge with known expertise in a chemical engineering might include detailed patent and engineering drawings like the one below.



An effective graphic conveying the same information would be different in a presentation on the same topic to a lay jury as show in the example below.



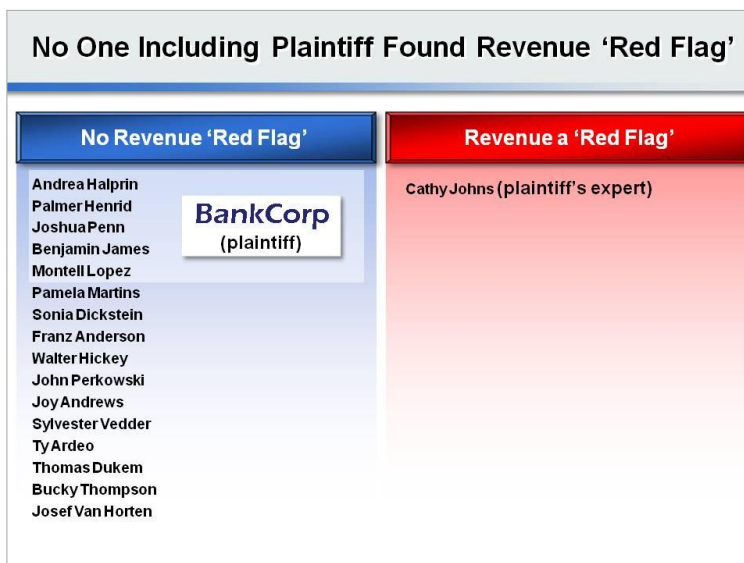
Similarly a lobbyist seeking to persuade a physician/legislator on a biomedical policy issue will present a different graphic than a legislator whose background may be in business. Knowing the User will help to drive how you make your point.

Lightning Speed Principle – Design

The Lightning Speed Principle is the design step that the visual must be created to communicate your point quickly and powerfully – or risk losing your audience before they have considered your point.

The target audience must quickly understand your core idea – your “killer” point. A lawyer may have only seconds to make his or her point clear to the judge and jury. Likewise, a lobbyist may have only the time to walk down a hall with a legislator to show them what they mean with a graphic. Sometimes, the presenter may have no time at all to explain the point of what they are showing. Reducing the complexity in the design increases viewer processing speed and effectiveness.

In the example below presented by a defendant in court, the viewer sees right away that no one – including even the plaintiff Citibank – saw a financial red flag. The only person who determined that there was a red flag was the expert the plaintiff hired after it initiated the litigation. The differences in color and number of names on the left and right make it clear right away that these two lists are dissimilar and that the overwhelming majority found no red flag.



One way to employ the Lightning Speed Principle is to use icons, logos, illustrations, and pictures, which are all forms of visual shorthand. If well designed, well placed and used in moderation, they can increase processing speed. The advantage of quicker understanding is that the viewer can spend less time figuring out what your message is and more time digesting it. Images can help remind the viewer what is being discussed.

The example below was created for a six week trial. It was designed to highlight that none of these witnesses could recall a secret meeting. The photos make it easier to remember who the witnesses are and add credibility to the graphic.



In contrast, it would be harder to figure out who are the various witnesses from just text as in the next example shows.

January 9, 2010 Secret Meeting – No Plaintiff Recalls		
Jake Snider	Jane Haltha	Joe Fanda
Emily Harrah	Enya Green	Paul Wile
Guy Park	John Jones	Sarah Eutaw
Ned Fuller	Rod Orly	Reilly Benedict
Don Smythe	Manny Ulter	JoAnn Fillo

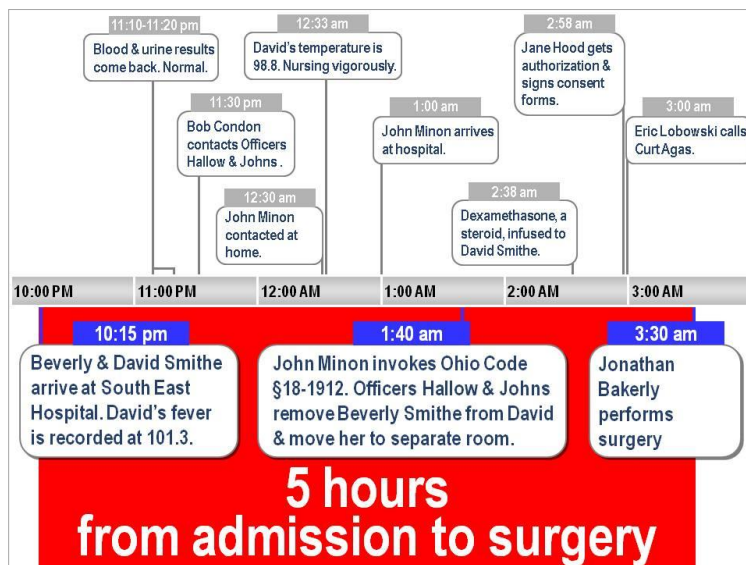
If a viewer is willing to spend ten seconds viewing a graphic, but has to spend all of that time reading the text, he or she may never get to your argument. On the other hand, if that reading time can be converted to processing time, the chance of your position being understood and believed increases. The use of visual shorthand is just one way to employ the Lightning Speed Principle.

Differential Emphasis – Data

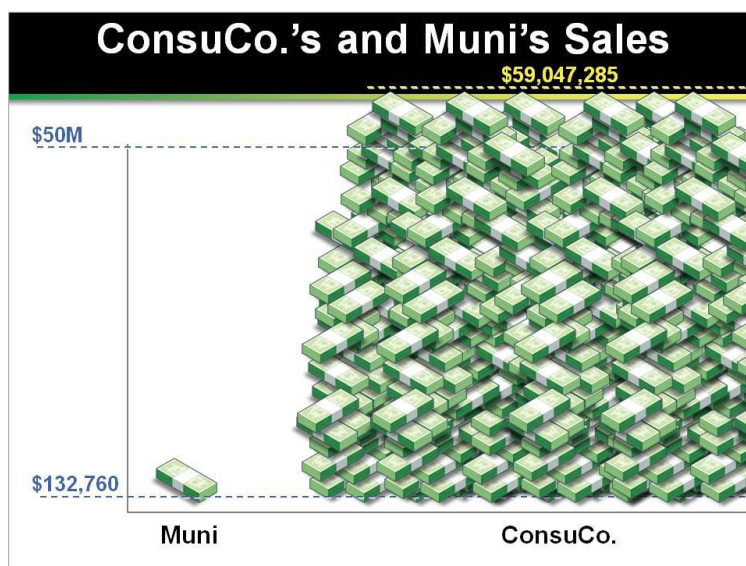
Differential Emphasis is the step of determining which data to emphasize, which data to display, and how to display it in order to make your point clearer and more persuasive.

Not every piece of data is relevant, and not every piece of data needs equal treatment. Being selective in what you show and how you show it without being deceptive is critical. For example, if you need to show events leading up to an alleged contract breach, it may not be necessary to show every communication between the parties. Or if it is, it may be necessary to break them down into smaller sub-timelines, keeping the amount of data displayed at any one time manageable. Or, perhaps groupings or summaries of like data can make the timeline easier to understand.

The example below is a good example of Differential Emphasis. The point of this visual is the long stretch of time between the hospital admission and the lumbar puncture. The critical events emphasizing that point are in red and grouped together at the bottom of the graphic. The other hospital events which are important background but don't support the point of the graphic are smaller, grouped together at the top and given a neutral color. Simple layout design changes using color, text size, borders, background and position can change the focus and persuasiveness of the graphic



Another technique Differential Emphasis is showing the data in non-traditional ways. In the example below compares the sales of the two companies. The "typical" way to compare that data graphically would be the use of a bar graph. Comparing the area of the data has a greater visual impact than would a bar graph which would only use the vertical plane and not the horizontal. Also extending the stacks of money for ConsuCo.'s sales extend into the title bar area draws additional attention to the large sales area compared to Muni.



Advocacy Graphic

An Advocacy Graphic is the culmination of Goal → Strategy → Visuals, Know the User, Lightning Speed Principle and Differential Emphasis.

One of the challenges in making effective Advocacy Graphics is knowing which of the three visual elements to emphasize. Depending on the circumstance, one or more of the elements may be in conflict.

Turning back to the example of the judge with chemical engineering expertise, that circumstance may warrant a graphic which is dense with data requiring extensive attorney narration during an all-day hearing. That judge could then study it at his or her leisure back in chambers. Knowing the user – the knowledgeable judge in this circumstance – means not applying the Lightning Speed Principle. The calculated purpose of density of the information may be to give the instant visual representation of the vast number of global patents. Thus Knowing the User and the Lightning Speed Principle may be in conflict.

Then there are the circumstances where all three principles mesh perfectly. The example below is a graphic created by an in-house department that includes with data and a headline. The graphic was meant to show the number of jobs created in the United States by production of a particular lawnmower, but is ineffective.

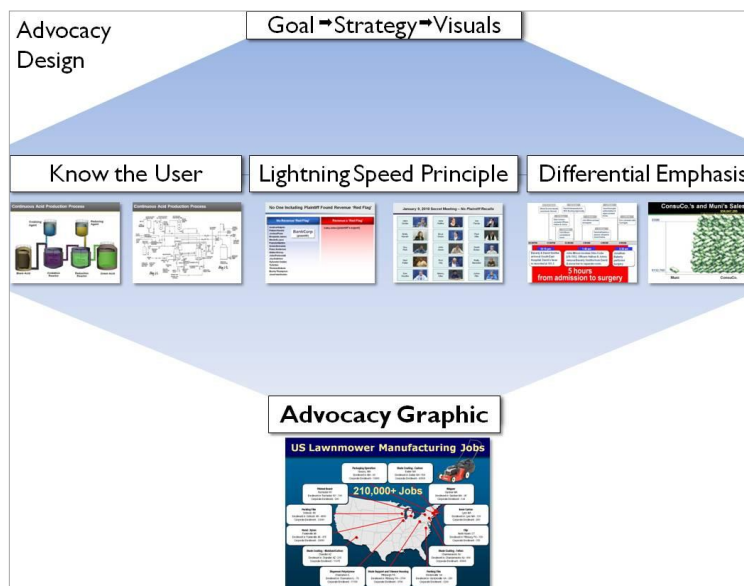


To re-conceptualize this graphic, the first step is to use the Goal➡Strategy➡Visuals steps. The internal graphic department knew the goal, showing jobs created in the United States, but never went any further. The strategy to support that goal must be to emphasize where and how many jobs were created. Then the visual has to support that core point – lots of jobs in the US.

Knowing the User – law makers – factors into the design of the graphic. Having the total number of American jobs created will certainly make it an issue of importance for any law maker. Likewise, adding the map element will increase its importance for elected officials from those states. For the Lightning Speed Principle to work with this graphic, the vast number of jobs throughout the US has to be instantly discernable. To get to that conclusion, Differential Emphasis is key. While all of the supporting data about each manufacturing location is important, for the most important factors are the total number of jobs and the locations of those jobs all over the country. The initial version had no totals, and the only way to determine the locations was to read the dense text.



An Advocacy Graphic is only as good as the thought and execution that goes into it. Graphics for graphics sake are no more than a distraction. Graphics created analytically and methodically can help to win over your audience. Thinking through each of the Goal → Strategy → Visuals steps is critical to success. Once complete, some or all of the design factors (Know the User, Lightning Speed Principle and Differential Emphasis) must be implemented. Following these principles will make your Advocacy Graphic a powerful and effective persuasion tool – which is the art of Advocacy Design.



Daniel J. Bender is the Managing Director of Litigation Graphics and Business Development at Digital Evidence Group.

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