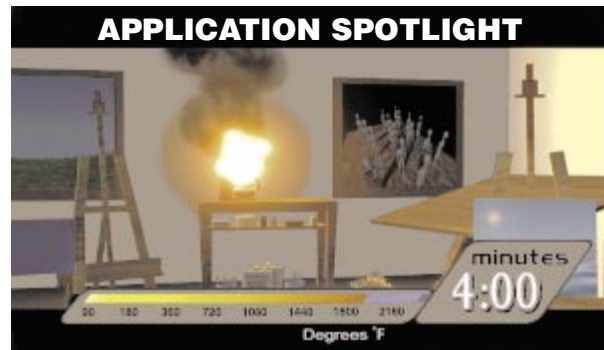


# Micro



# Publishing

October 1998

## NATIONAL EDITION FEATURES

**N12 APPLICATION SPOTLIGHT:**  
**LEGAL.** Attorneys rely on the expertise of court graphics firms to explain complex events and concepts to juries.

# News



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**Illustration created by Grand Rapids, MI's Visual Evidence Center shows the role of digital graphics in the courtroom.**

# Exhibit A: Trial by Fire

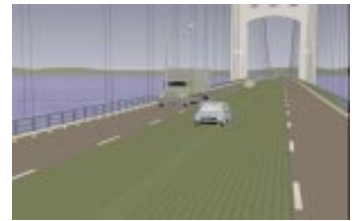
*Michigan Firm courts success with litigation graphics*

BY MARK SMITH, MIDWEST EDITOR

Driving around trying to find a Yugo automobile typically isn't in the job description of a graphic arts professional, but it's just another day in the life of the imaging specialists at the Visual Evidence Center, Inc. in Grand Rapids, MI. The firm specializes in providing demonstrative evidence consultation, electronic imaging services to the legal industry. It works with clients during every phase, from discovery through mediation, settlement, or on to trial.

The Yugo hunt arose out of Visual Evidence's involvement in a negligence trial related to an accident on the Mackinaw Bridge between Upper and Lower Michigan, says O. Nick Unger, one of the founders of the firm and the photo-video Evidence Gatherer. The car fell 175 feet off the bridge after getting into trouble on an unpainted median strip between the north and southbound lanes, he explains. The company needed to track down a similar vehicle to gather data for an animated event sequence reconstruction of the accident it was hired to produce.

"We couldn't find a Yugo because the dealers were not around anymore," Unger explains. "Then, I was driving and happened to see a Yugo parked by the road while on vacation in



Tennessee. I stopped to take photographs; I ended up paying the owner to stick around so I could take some measurements too. You must have graphic ability to be in this business, but you also need investigation skills (Mr. Unger is a retired fire investigator) to ask the right questions."

"A lot of leg work has to be done before you start working on the computer," adds John Walker, senior technical illustrator with Visual Evidence.

Visual Evidence was founded in 1986 as the Quick Response Team, a photo-video evidence gathering service by five people who had worked together at one time or another shooting broadcast TV news. The group also did work for corporate clients, who had them doing work for their attorneys. Those attorneys started asking for 3-D scale mod-

els and medical illustrations.

During the past 12 years, the organization has developed into a marketing co-op that now includes 30 members. All of the firm's associates have their own businesses; they provide services to the legal community through the Visual Evidence Center.

Unger explains, "We all live and work within Michigan, but because of our award winning web site (Chief Information Officer Magazine 1998 Top 50), our group has done work for attorneys throughout the Midwest, as well as California and the East Coast. We use password-protected areas to conduct online exhibit reviews with clients and their expert witnesses. The Internet erases the miles between all parties involved."

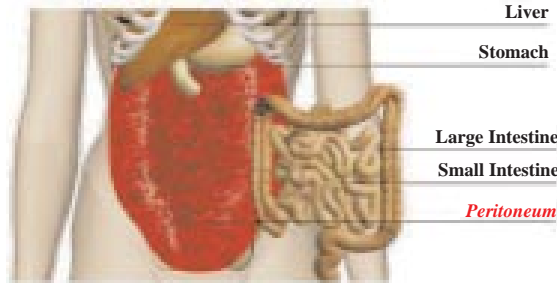
Unger says there was no course in litigation graphics when the company was

started (Unger has an MS in Electronic Journalism), so the staff learned what can be admitted at trial as evidence initially from its clients, talking with judges, and going through trial preparations. VEC is an aggressive user of digital technology in all forms, but its guiding principle is to "keep it simple." That's because unnecessary details can distract people from the central message and potentially give the opposition more bases for objections.

For example, in the case of the Yugo accident, the question was raised about showing the driver's frightened face painted into the rearview mirror, Unger says. "I said, 'Not if you want to get it admitted by the judge. It's inflammatory and we can't prove she did that.' If we are doing the inside of a vehicle, we don't faithfully reproduce the entire dashboard if

there is no reason to do so. Unless there is a reason to show a gauge, we don't put it in. The same is true of the peripheral topography, such as trees and buildings, unless sight issues are part of the case."

"The goal is to make the message as understandable as possible," adds Walker. "If it is pertinent to the case, we put in fine details. If it isn't, we use simpler design. I strive to avoid 'Hollywood' effects in animations and keep my graphics clean. That creates a clearer message, and takes less time to create so it also saves our clients money. Sometimes we even do key framing, in



which we only show key points as an animated storyboard, dissolving between them rather than doing full motion."

Visual Evidence currently produces a fifty-fifty mix of posters and other print materials vs. computer based electronic-only presentations.

But Unger says the mix is swinging more toward digital. Printed pieces can be anything from an 8.5 x 11-inch demand or settlement brochure to 40x60-inch posters in color or black and white, that are computer artwork outputted on inkjet printers or simply documents en-

larged on a large-format copier. For many attorneys, PowerPoint and similar programs provide a cohesive vehicle to present discovery documents, medical-technical illustrations and MPEG-video along with basic text slides for opening and closing arguments. These presenta-

**Peritonitis: Signs and Symptoms**

- a. Elevated White Blood Count
- b. Inflammation of the Peritoneum
- c. Lower Quadrant Pain
- d. Unstable Vital Signs
- e. Elevated Temperature
- f. Other

# Sequence of Events

**1995**

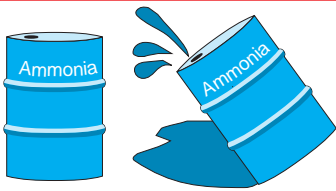




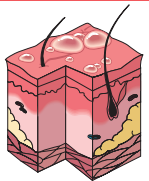
**GM's Knowledge of the Hazard & Unreasonable Risk of Harm**

<p>Mason's Gordon Messerling tells GM's Operations Director Terry Jackson moving 400 lb. drums full of ammonia in GM's Machine Room is dangerous and unsafe; he requested GM instead make the ammonia drum's transfer hose a few feet longer.</p>	<p>Persons from "all over" Argonaut Building complain about the severity of ammonia fumes when drums are changed.</p>	<p>Messerling, Terry Jackson and GM Health &amp; Safety Director Paul Leters inspect GM Machine Room's safety problems. Messerling says Jackson and Leters agreed to extend the ammonia feeder tube; "We'll get it done for you over the (work) break."</p>	<p>Net result: <b>"Nothing was done about it."</b></p>	<p>One month later, Messerling again confronts GM's Leters in hallway. Leters says he knows longer feeder tube should have been done (during break) but wasn't.</p>
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December 19, 1995

After his accident...

Marlon Belson was unable to return to work for Lason. He continues to be short of breath when exerted; has equilibrium and balance problems, memory loss, difficulty walking up an incline or carrying a load; continues to have a cough, phlegm. He remains sensitive to volatile and irritating materials with chest congestion and shortness of breath.

						
<p>GM's Terry Jackson orders Marlon Belson and Gabriel Porthy to move a new ammonia drum into position in GM's Machine Room.</p>	<p>While rolling and pushing the 52 gallon drum it tipped over onto its side, spilling most of its toxic corrosive liquid on the floor.</p>	<p>Marlon Belson passed out almost immediately, falling into the large puddle of spilled ammonia; his clothing and entire body including his testicles were saturated with ammonia.</p>	<p>Regaining consciousness, Mr. Belson crawled slowly through a narrow escape corridor filled with storage boxes screaming for help and water because his genitals were "on fire." A co-worker gives him a coffee pot filled with water to soak them in.</p>	<p>Still in his ammonia soaked clothes, Mr. Belson was forced to go outside partially nude in freezing temperatures. Fifteen hundred people were also evacuated from the GM building.</p>	<p>After a delay in calling 911, Belson was finally taken by ambulance to Detroit Receiving Hospital and placed in their decontamination unit.</p>	<p>Belson's injuries included: irritation to eyes, nose, throat, lungs (difficulty breathing; severe obstructive airway disease); 1st and 2nd degree burns on groin and legs.</p>

tions are written to removable media or CD-ROM. VEC has developed PowerBar, which lets users control a PowerPoint presentation via a barcode wand and printed control sheet rather than with a mouse and menus.

Which of these exhibit options are used in a given case depends on what the lawyer is comfortable with, what his expert witnesses demand, what the judge will admit into evidence, and what the jury tends to expect, Unger says. The answer varies greatly.

Once a judge told attorneys that because \$68 million had been spent on a new court house whose jury boxes were wired with a TV monitor for each juror, he wanted to see few if any paper exhibits being used.

Lawyers typically have a personal style, Unger says. "We have an client who loves to work with poster boards and likes to point to them with a laser arrow. Other lawyers, especially the younger ones, like to use computers in the courtroom."

It's crucial to keep the ultimate audience in mind, Unger says. "The face of the jury pool has changed. People today are used to getting their information visually; they're more accustomed to digital technology. But that can work against you. In some rural communities, city-based lawyers made their presentations too slick for those jurors' tastes, and their credibility and their case suffered."

With media reports of clogged courts, long delays in court dates, and seemingly endless trials, many times, litigation graphics are produced under tight schedules. Unger says it is not uncommon

for lawyers to contact him on Friday or even Saturday to get materials started that are needed on Monday or Tuesday for depositions or court.

Walker says a background in graphic design and technical illustration are required to do the work, but it's also important to have a mindset that is more technical or scientific than artistic. "The graphics, though, are based on knowledge about the case provided by the attorney or his expert wit-

ness. We rely on our exhibit specialists to translate their testimony, their side of the story, into graphics," he explains.

Visual Evidence's imaging specialists typically work from measurements, photographs, testimony, video or digital still frames and more.

VEC often conducts mock trials or focus groups to evaluate the effectiveness of a client's evidence presentation, including the graphics it produces. Attorneys get same-

day, printed or videotaped results, using VEC interactive computer software, which records the responses of jurors using handheld meters.

"We have to be very careful that what we are producing meets the scientific criteria of the case," says Walker. "It's usually up to the client's expert to attest that what is presented is a fair and accurate representation of his or her opinion. We just help them get their message across."

## Say it with **Graphics**

- Presentation boards: diagrams, flowcharts, graphs, timelines, opening and closing arguments
- Animated event sequence reconstructions
- Medical-technical illustrations, 3-D scale models
- Print blowups: photos, x-rays, documents
- Quick Response Team: on-location gathering of photo-video evidence with scene sketching
- We scan exhibits and documents to CD-ROM
- We program PowerPoint, LegalView, etc., exhibit display software; training provided for software users
- Trial Express: rent our laptop computer, digital video projector and screen, "Elmo" style visual presenter

Exhibits for Depositions, Mediation, Settlement and Trial

**SINCE 1986**

***VISUAL EVIDENCE CENTER, INC.***

**(616) 891-7211**

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