

Focal Point *press*

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Seven Reasons Why Flash Isn't Always a Dirty Word

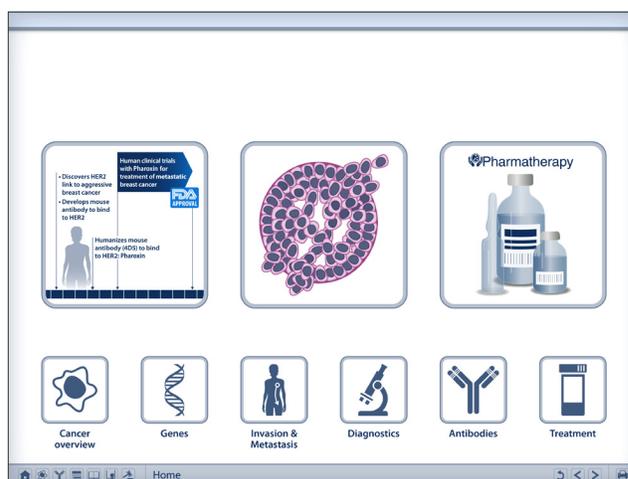
Adobe Flash is the pre-eminent, multi-media software platform on the market. As noted in the prior article, we believe that Flash will be increasingly used in the courtroom in the form of Portal Technology. Unfortunately, there are a lot of misconceptions about what Flash can and cannot do. We think it is time to clear the air and help lawyers learn what is true and what is false about this very dynamic program.

Misconception 1: Flash is only an animation program

While you can create and play animations on Flash, the program is much bigger and more powerful than that. The true glory of Flash lies in its ability to create interactive presentations that all run off one single, integrated platform (“the portal”).

What do we mean by that? An animation is something you “play” from beginning to end, with perhaps a “pause” in the middle. (The same is true with PowerPoint presentations.) On the other hand, Flash is a visual platform in which you can combine and organize all of your trial graphics and exhibits, including animations, slide shows, photos, documents, even pages of case law.

We like to think of Flash (and Flash-like programs) as a hub with spokes coming out of it. Or you can think of it as walking down a hallway and opening doors to find your trial materials. Whatever analogy you



use, the beauty of Flash is that it allows you to craft your story and presentation as you go along—to adapt quickly to changing conditions in the courtroom or the changing needs of witnesses—rather than being hobbled by a pre-determined order of slides or other materials. It allows you to give overviews or to drill down, to review information presented earlier or to skip certain sections if they become irrelevant. It allows you, in essence, to tell your story—and present your supporting materials—in a natural, intuitive way, not a tedious, pre-structured way.

Misconception 2: Flash is just something used on the web

While this is true, most laypeople are familiar with Flash because many websites use the technology to create moving or interactive images.

But Portal programs like Flash have lots of other uses that end up looking like a website but are not connected to the internet. The New York Jets new stadium, for instance, uses Flash as the interface for its touch screen Jets Command Center, which monitors all its statistics, from how many people are in the stadium to how many hot dogs have been sold. Many museums also use programs like Flash as the basis of their interactive interpretation for exhibits.

Misconception 3: Flash won't work on Macs

Yes, Steve Jobs hated (really hated) Flash and that is one reason why the program will not work on your Apple mobile products (e.g., iPhones and iPads). But Flash does work on Mac desktops.

Misconception 4: Flash is too flashy for most jurors

This might have been a concern ten years ago, but not anymore. Jurors (and judges) expect to get information in a visual format these days and they appreciate having it delivered in an efficient, flexible, and pleasing way. Besides, a Flash presentation does not have to be “flashy” (no booming soundtrack necessary). A well-designed Flash presentation will have the same clean, professional aesthetics of any good trial presentation.

An interactive presentation tool, by the way, can be downright enticing to judges. If they know that by clicking on one tab they will get the relevant case law and by clicking on another tab they will get to see a 3-D animation of the widget in question, they are more likely to spend more time with your material.

Misconception 5: Flash is too technical for a lawyer to use in court

We believe in creating Flash presentations that are easy and intuitive to use for non-techie types of lawyers. So

while your presentation may be built on a platform that can include thousands of trial graphics and exhibits, finding what you need when you are in court is as easy as choosing a door in a hallway or a drawer in a cabinet. A good Flash developer will also customize your presentation to make it work for you—including using “tool tips” to remind you what is in each section, easy to recognize icons, or simple text-based menus that take out the guesswork. The presentation navigation is developed to be simple, intuitive, and easy to access by any user, including a judge or clerk should it be left behind.

Misconception 6: Flash is entirely about creating a glitzy presentation

Flash is useful for creating a trial presentation. But Flash is also helpful for preparing for trial, because it requires you to focus early and hard on how best to organize your case. You figure out what is important, let go of what is not, decide how topics and themes are related, and then organize it all in a way that makes sense to both the attorney and the jurors.

Misconception 7: Flash is too expensive for me

True, a full-blown Flash-based presentation can be expensive. We believe it is worth the expense for large, complex cases that entail lots of exhibits and evidence. However, if you cannot afford a Flash-based presentation for your entire case, you can create one for just one portion of your case—the part where you need to explain how the propeller in question received its patent or how the executive defendant managed to embezzle the funds from his firm. A buildable, scrolling, clickable timeline does not have to be a complex endeavor, but the advantages you gain by refocusing jurors' attention and efficiently accessing your supporting materials may well make the expense worth the investment.

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