

# Book Review

## *Show the Story, The Power of Visual Advocacy*

by William S. Bailey & Robert W. Bailey

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After having read numerous uninspiring text books about trial advocacy while in law school, many lawyers are reluctant to read, let alone purchase, another book on trial advocacy. *Show the Story* is a book that should cause trial lawyers to re-examine this issue.

The Bailey brothers explain what social psychologists have long known: humans are wired to absorb information through stories, and in today's visual world, words alone are not enough. Television dominates how we receive information. We expect information to be communicated in an informal, interesting, and compact form, with high entertainment and production values, and visual shorthand. The importance of visual imagery has only grown stronger as the digital age has unfolded. YouTube is now the second largest internet search

engine, and more and more jurors and judges are using computers, smart phones and tablets to visually obtain information.

After explaining the importance of visual communication to the reader in Part One of *Show the Story*, the authors then provide a road map for lawyers to develop a visual story in Part Two. The book shows you how to think like a film director. It advocates a trial preparation process in which lawyers write the story, and think of a way to visualize the facts as the story is written.

The book teaches lawyers how to visually (1) establish the story's settings, (2) introduce characters to create a conflict, (3) present the story's theme, (4) show the parties' actions, and (5) show the choices made. Part Two of the book also integrates some of the "Rules of the Road" and "Reptile" methods advocated by Rick Friedman, Patrick Malone and David Ball in their trial advocacy books, which are targeted more at the plaintiff personal injury practitioner. However, this part of the book is still rich with ideas, illustrations and concepts that will be of benefit to all trial lawyers, whether novice or experienced.

Part Three of *Show the Story* provides tools and techniques for

creating the visual story. This part of the book is the perfect fit for attorneys practicing in the fields of personal injury and wrongful death, as several chapters deal with the most effective types of visuals that pertain to these cases, including computer illustrations and animations.

Other trial lawyers may want to skip some of these chapters, but there are suggestions in other chapters in Part Three that will prove useful in any type of case, such as (1) examples of sequencing information from simple to complex, (2) advice about overuse and the most effective use of PowerPoint, (3) how to use graphic devices and color to draw attention, (4) using visual tables and timelines to orient jurors to the overall structure of the case, and (5) how to effectively work with graphic artists. At the end of each chapter there are "take aways" that are bullet point summaries of the key points taught in the prior chapter. These "take aways" not only help the reader digest the information that was just read, they also will assist the reader in identifying chapters or portions of chapters that may have information more applicable to their practice.

Part Four of *Show the Story* provides guidance on how to lay a proper foundation so you can get the judge to allow the use of your graphic presentation. This part of the book discusses evidentiary standards and how they can be used to your advantage. Part Four also provides information from a judge's perspective, including how deposition video can give a punch to impeachment.

The book is almost like an encyclopedia of information about telling a story visually. If you look at the following table of contents, you will see what I mean.

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The authors certainly know their subject. Bill Bailey is an outstanding trial lawyer in Seattle. He is the author of articles on trial techniques and an adjunct professor at Seattle University Law School. His numerous awards include Best Lawyers in America, Washington State Association for Justice Trial Lawyer of the Year, and National Law Journal Litigator of the Month. Bill teamed with his brother, Robert, to produce the book. Robert, who lives and operates his litigation consulting business Trial by Design in the San Francisco Bay Area, is a nationally recognized trial consultant who concentrates on story development and visual communication.

The book is not cheap with a suggested retail price of \$125. However, given the rewards of being successful at trial, especially after expending tens of thousands of dollars in time, it is a relatively small expense. If the price tag causes too much sticker shock, you can get a copy through an inter-library loan.