

TIMED AGENDA

START - STOP	TOPIC	LENGTH
12:30 - 12:50	Scientific research behind modern human attention spans and how the decision making of judges and juries has changed in the modern age	20
12:50 - 1:10	Why motion and brief writing is increasingly important as jury trials decline	20
1:10 - 1:30	When and how to use visuals in depositions, motions, briefs, trial exhibits and more	20
1:30 - 2:00	Q&A	30
TOTAL MINUTES: 60 MIN AND 30 MIN Q&A		

Program Start Time: 12:30 pm PT

Program End Time: 2:00 pm PT

EDUCATIONAL MATERIALS

Bailey, William. (2022) *Visual Evidentiary Approaches to New Advocacy Challenges*, paper, (13 Pages)

TRIAL GUIDES COURSE NO. 230308

DESCRIPTION

The data is in: our attention spans are getting shorter. Since the invention of the smartphone—and with the proliferation of TikTok, “reels”, and other short-form social media—humans have begun processing information differently than they once did: so much so that their process of decision making often follows different neural pathways than it did in the days before the internet.

So what does this mean for the trial lawyer?

First the bad news: the juries you studied in law school simply do not exist anymore. The ways we were taught to advocate do not work. Long, exhaustive statements, and briefs full of heavily cited block text: these are relics of a bygone era. Both judges and juries report finding legal writing dull, dry and tedious (and the same goes for long-winded opening statements and summations). Even as the stakes have gotten higher, far too few trial lawyers have evolved their communication style to meet the needs of the modern courtroom.

Now the good news: while our jurors do not listen and read as they used to, they are more attuned to visual stimulation—and a smart attorney knows how to use this to their advantage.

Bill Bailey, trial lawyer and decorated law professor, anticipated this phenomenon in 2011, with his groundbreaking book, [Show The Story](#). His latest book, [Show the Brief](#) (2023), builds on this catalog with even more valuable insights into the power of visual advocacy. When attorneys put Bailey’s lessons to use in their legal practice, they unlock the secrets of powerful, persuasive communication.

Discover:

- The latest research on human behavior, attention and motivation
- How to highlight key liability issues with the use of visual aids
- The power of a memorable, well-designed trial exhibit
- The secret to making “Rules of the Road” accessible and compelling, even to resistant jurors
- How to turn numbers and technical details into persuasive information graphics
- Writing strategies that win the attention and respect of trial judges
- Why journalists are better storytellers than trial lawyers (and what we can learn from them)
- The importance of using graphic design principles in your briefs, motions and more
- How to maximize the impact of visual aids in depositions and mediations

PRESENTER



WILLIAM S. BAILEY

- Professor from Practice, University of Washington School of Law
 - Pre-Trial Procedure, Forensic Evidence and Legal Writing
- Trial Lawyer (1974-2011)
- B.A. University of Oregon, Political Science
- J.D. Northwestern University School of Law
- Trial Lawyer of the Year, Washington Association for Justice (1991)
- Member, American Board of Trial Advocates (ABOTA)
- Philip A. Trautman Small Sections Professor of the Year Award (2017-2018)

Admissions: Washington

Bill Bailey blends an illustrious, four-decade career in both criminal and civil trial practice with legal scholarship, teaching and authorship. Bailey's research and writing focus on the use of images, words and stories to influence thought and decision; his books draw heavily from the fields of behavioral psychology, communication, and neuroscience.

Prior to joining the faculty at the University of Washington, Bailey was a decorated trial attorney. He was named "Litigator of the Month" (National Law Journal) and "Trial Lawyer of the Year" (Washington Association for Justice), and was frequently listed among the Best Lawyers in America. Bailey was named one of "Seattle's Top Lawyers" by both Seattle Magazine and Seattle Metropolitan Magazine, as well as a "Superlawyer" by Washington Law and Politics.

Bailey later became the first professor of practice at the University of Washington School of Law, focusing on bringing real-world skills to aspiring trial lawyers. He teaches torts, trial advocacy, forensic evidence, pre-trial practice, advanced motion practice, and legal writing. In 2018, Professor Bailey was awarded the *Philip A. Trautman Small Sections Professor of the Year* distinction.

PUBLICATIONS

[William S. Bailey, Show the Brief: Visual Writing Strategies & Techniques \(Trial Guides 2022\). 424 pages.](#)

William S. Bailey, Law, Science and Experts: Case Problems and Strategies (Carolina Academic Press 2018). 329 pages

Ronald H. Clark, George R. Dekle, Sr. & William S. Bailey, Cross Examination Handbook: Persuasion, Strategies, and Techniques (2d ed. Wolters Kluwer 2015). (Aspen Coursebook Series) 362 pages.

William S. Bailey & Terence J. McAdam, Law, Science and Experts: Civil and Criminal Forensics (Carolina Academic Press, 2014). 336 pages & CD-ROM.

Ronald H. Clark, George R. Dekle & William S. Bailey, Cross-Examination Handbook: Persuasion, Strategies, and Techniques (Aspen 2011). 389 pages & CD-ROM. (Aspen Coursebook Series)