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Creating Timelines for Litigation Presentations Tips and Techniques for Popular Products

By Timothy A. Piganelli

Attorney teams frequently require assistance creating chronologies of events based on either facts or documents. Whether these are for opening statements, a settlement conference, or just a way to analyze a case, some timeline is almost always needed.

Often, trial teams create chronologies of their cases without realizing that they will later need to have them expanded into visual presentations. This is because a chronological structure is frequently the way cases are presented to juries, judges, or other triers of fact. Visual representation is important. It sometimes becomes the underlying foundation for the flow of all information related to a case. Therefore, it is important that care be given in the creation of visual timelines.

Litigation support professionals struggle with how to create timeline graphics in the most effective, easy and understandable way. This article examines some of the do's and don'ts for creating graphic timelines, and also looks at some of the visual aid tools that are available to assist with this important task.

For most attorneys, the first challenge is how to get a visual created. Many law firms rely on in-house graphic departments to assist with basic timeline graphics. The obvious choice is the in-house litigation support department, assuming one exists. Creation of graphic timelines can be outsourced as well—but for a cost. That added expense might be more easily justified for defense firms who can bill those services to the client, but for plaintiff firms who must absorb these costs, trying to accomplish this task in-house is usually preferable.

Creating Timelines— Choose Your Tool

Creating graphic timelines has

been made easy by litigation support software and even a few non-legal applications. Several good techniques and specialized products are readily available for litigation support professionals for creating effective timelines; among them, Timemap, TimelineXpress, MS PowerPoint, Visio, SmartDraw, and other software programs. This article takes a look at some of the key features about a few of the most popular products.

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Timemap, by CaseSoft may be the easiest application to learn and use. If a person can type, they can use this application. By simply adding dates and events to the New Fact Box, one

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Figure 1

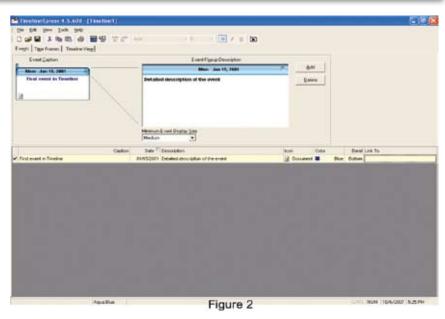
can begin to create a timeline. As one keys in dates and facts, the timeline automatically builds. TimeMap creates the base timeline and adjusts the time scale automatically.

TimeMap is a tool for the beginner. By picking a color scheme and a template, one is on their way to creating a timeline. Most of the selections for style can be picked from pre-built templates. One can easily change colors and backgrounds with different gradients just by double clicking on an event.

Another good and easy choice to build a litigation timeline is TimelineXpress, by inData Corporation. It has the same easy interface at Timemap, and creation of a timeline is as easy as typing into boxes. As shown below, one simply keys in events and dates and TimelineXpress builds the timeline. In addition, as one keys in the events and dates, it automatically scales the timeline.

Creating timelines using either TimeMap or TimelineXpress can be further simplified by importing the data directly, thus eliminating the need for typing altogether. Both of these programs will accept imported data from any program that can export in a comma-delimated ASCII file format. This means that practically any program that can create a fact and date list can be imported to Timemap or TimelineXpress. In addition, with a little set up time, the Summation application includes a chronology table that can also be imported into either Timemap or TimelineXpress.

A third option for creating graphic timelines is MS PowerPoint. It is not really timeline software, but rather presentation software that can be adapted to this use. Using MS PowerPoint for this purpose can be difficult and involves a learning curve, but its potential is almost limitless. Using it, one can create almost



any kind of timeline conceivable.

In addition to MS PowerPoint, there are other general software applications that can be used to create timelines. Some of these are Visio by Microsoft and SmartDraw by SmartDraw.com. SmartDraw is a very popular graphic software, and many legal professionals use it for other tasks besides timelines. For the direct litigation timeline task, however, recommended products are, TimeMap, TimelineXpress, or MS PowerPoint.

Attaching Exhibits to Timelines—the Graphic Component

Timelines used in court are frequently introduced during an opening statement. When presenting a timeline to a jury, it is important that the timeline, and any other graphic for that matter, have credibility. Each event depicted on the timeline should tie to a defensible source or have foundation behind the event. One of the best ways to show the foundation behind each event is to tie the event with some sort of evidence in the case. In a timeline, a way to do this is to link the event with either a document exhibit or testimony.

Most of the tools mentioned above do an excellent job of allowing the user to attach either images or multi-media. However, the best tool for this job is MS PowerPoint. Although it may not be the easiest tool to learn for a timeline application, having exhibits zoom out from individual events on your timeline is very compelling. The figure below gives a three-step view of how an exhibit tied to an event could "zoom" out and display front and center. This is the only tool of those mentioned here that can be used to get the image to be viewed on the same screen and still be part of the timeline graphics.

This technique is accomplished





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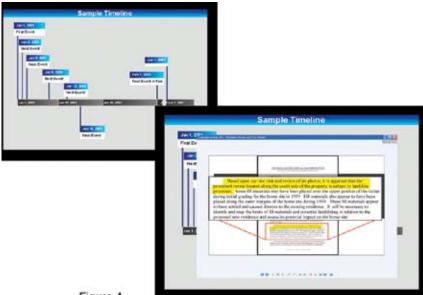
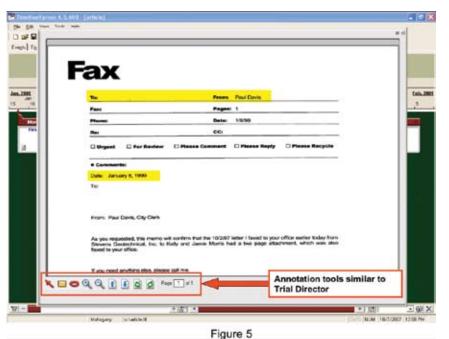


Figure 4

using MS PowerPoint's animation functions and inserting pre-built graphics. It is a very effective visual technique to show an audience a linked exhibit. Once the exhibit is shown, the image zooms back into the event giving the audience the "visual" foundation for the timeline entry.

On other hand, for ease of use, TimeMap has a simple way to attach images to each event. The process only requires that you select an image that is accessible and link or hyperlink to the timeline. The limitation of using TimeMap for linking exhibits is that when you click on an attached exhibit, TimeMap opens a new window, launches the default software for the linked image, and then presents the image. One way to work with this is to have the linked image already prepared for optimal viewing by having the specific text on the page "blown out" or annotated. From the viewer's perspective it appears as if you are zooming in on the text. Zooming in is helpful because presenting a full page on a graphic usually is not readable to a jury across a



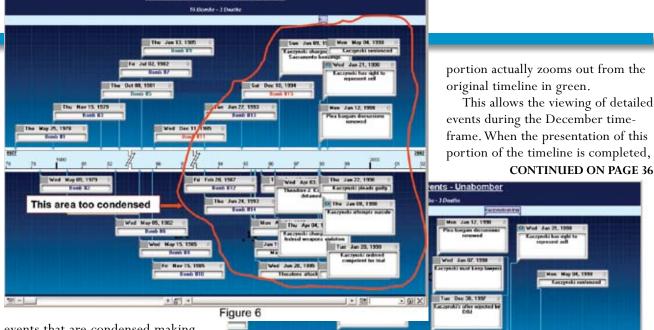
courtroom from a screen or monitor. The figure below shows this in two steps. First, the TimeMap timeline, then the linked image with a portion torn out, highlighted and annotated.

TimelineXpress has a unique way of attaching images to its timelines. The feature is very useful and allows for real time annotating of any linked images. Once you have selected an image and launched the hyperlink, a window appears. Then TimelineXpress brings up a utility, allowing the user to zoom, highlight, and annotate in real time.

n this manner you can manually emphasize areas of the document as you go, compared to having to prebuild the exhibit.

Expanding Timelines - Drilling Down to More Detail

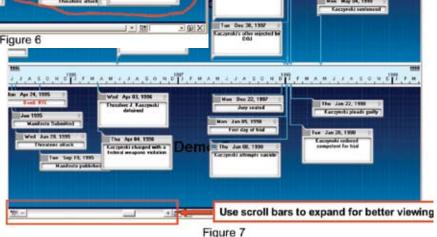
In some cases, many of the case events occur in a relatively short amount of time. For example, a timeline may consist of twenty events that span over a three-year period. Yet, twelve of those events may have occurred in a single month of that three-year period. It is here that you may need a timeline that can be "interactive." The idea is to have the timeline "expand" to show more detail, for example, twelve events in one month. There are two ways to approach this challenge. First, TimelineXpress has a unique feature that allows the user to expand and compress their timelines by sliding a scroll bar near the bottom of the screen. All you have to do is to enter all the events on your timeline, as discussed above, then, when you get to the "condensed" area, expand the timeline out to show the audience the detail. In the figures below, the events in this sample timeline become very condensed and cramped near the right side of the timeline. Events are overlapping and unreadable. By expanding the scroll bar at the bottom, you can spread out those



Time Line of Events - Unabombe

events that are condensed making them easier to view.

There are more dynamic ways to achieve this effect however, by using the animation features of MS PowerPoint. In the following example, the user animated the expanded portion of the timeline and focuses on it showing the condensed events. The red portion of the timeline is built such that when activated, this



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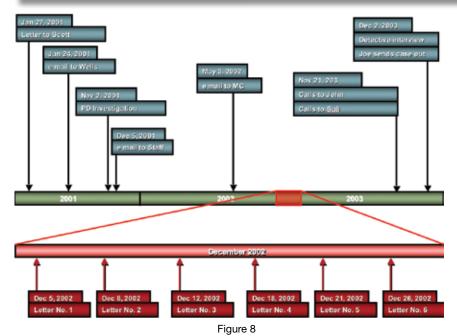
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the red portion either fades away or compresses back into the main timeline.

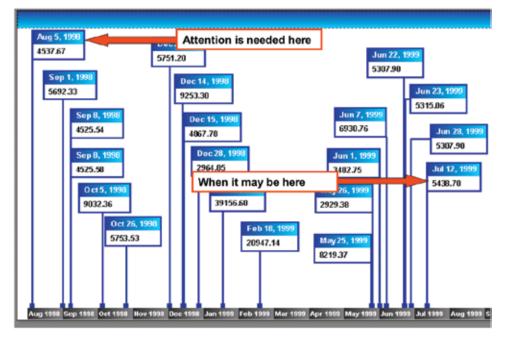
Special Effects and Unique Timeline Techniques

The way a timeline is presented makes a big difference in its effectiveness. A common mistake in presenting timelines is presenting the whole timeline in one screen. In the example below, if this timeline is being displayed to the jury, the trial attorney is not assured that the jury is viewing the event that is being discussed. They may in fact be looking at the last event on the timeline, when the first one is being discussed.

The method for insuring that the jury is viewing the timeline in the sequence the trial attorney wants is to display one event at a time. Using this method, the trial attorney controls what the jury is focusing on by only allowing one event at a time to build on the timeline. This technique not only allows the presenting attorney to control the jury's attention, but it makes it easier for the jury to follow and understand. An audience is more focused and can understand the presentation if it is delivered to them in steps. All of the software If there are events that a trial lawyer can live without in the timeline, eliminate them. It will make for a cleaner graphic in the end. applications discussed in this article can do this.

TimeMap and TimelineXpress both have a send to MS PowerPoint feature. After completing a timeline in either application, one can then send the results to MS PowerPoint. This feature makes it easy to create MS PowerPoint slide shows based on a TimeMap timeline graph. The feature instantly generates a MS PowerPoint slide show containing separate slides, each with the next fact in sequence presented front and center. Facts that have appeared on prior slides are faded out, but still visible. Future facts are hidden. Pressing F5 in MS PowerPoint kicks off the presentation and you can then view a slide show in which the timeline builds from slide to slide. The feature enables you to use the "animation" features in MS PowerPoint after saving hours of time building each event.

TimelineXpress has a built in feature that allows users to bring up one event at a time. By selecting this feature, each event displays, one at a time and in chronological order. Another useful feature is that if your timeline continues horizontally for a



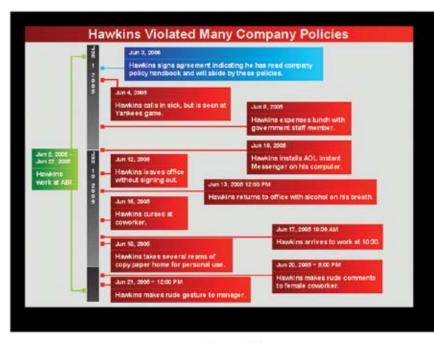


Figure 10

long distance, it automatically scrolls the timeline as you go through each event.

MS PowerPoint can be used to bring in one event at a time, by simply animating each event. Each event in an MS PowerPoint created timeline can come into view by a number of methods such as wiping it from the base of the scale or having it fade into view. Again, with some knowledge of this powerful presentation tool, users can create some eyecatching effects.

Other Tips and Advice— Danger Will Robinson!

One of the challenges that arise when litigators learn the potential of timeline graphics and the tools to create them is that they frequently want to create visuals with too many events. Although there are techniques used to handle this, it is advisable to narrow down events to only those that are essential to the story. If there are events that a trial lawyer can live without in the timeline, eliminate them. It will make for a cleaner graphic in the end.

Another technique to enhance the overall effectiveness of an electroni-

cally presented graphic timeline is to also create a foam-core board demonstrative of the complete timeline to be referred to after the electronic presentation. In this way a completed timeline can be available for view during the course of the trial without it being the focal point of any given event that is being discussed. This visual may also be useful to the trial team to refer to with witnesses.

It never hurts to be creative in your timeline. Building a timeline in different formats can be effective. For example TimeMap now has vertical templates allowing timelines to be built in a vertical fashion as shown below, as compared to a traditional horizontal fashion.

Another option may be to build a timeline that is diagonal in structure for a variety of reasons. The figure above illustrates what can be done with this unique type of diagonal graphic.

Summary

If you are a novice at creating timelines and need a starting point, you should consider using TimeMap or TimelineXpress because both make creating basic timelines very



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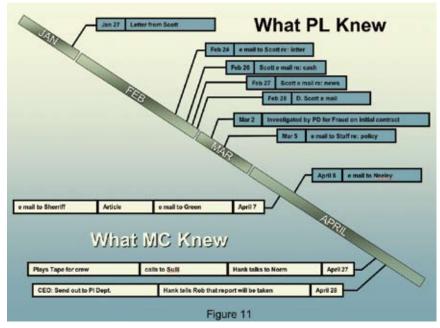
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easy. They have excellent built-in features to allow the import of previously built chronologies to avoid having to start from scratch. Also, the ability of TimeMap and TimelineXpress to export to an MS PowerPoint file format allows more advanced users to then animate and prepare interactive presentations. While MS PowerPoint does not have the ability to create timeline graphics by importing chronologies, it is the strongest tool for creating the most visibly appealing and interactive timeline presentations. Either

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and the tools being used.

Each team has responsibilities in this process. However, the technical team can, and perhaps should, take the lead in managing the transition to the full use of technology by legal teams. By understanding the attorney or paralegal's level of acceptance of and comfort with technology, and gearing their interaction and information to that level, the technical team can be more effective. Attorneys and paralegals must take the time and make the effort to gain the knowledge necessary to enable them to make informed decisions throughout the way, any of these tools can be used to create useful timelines so that the trial lawyer can effectively walk a jury or audience through the story and the evidence of their case.

Contributor: Material for this article was contributed by Timothy Piganelli, the CEO and founder of Legal Technology Consulting, Inc. Tim is a nationally recognized speaker and author as well as one of the country's top trial consultants in the areas of trial strategies, trial presentation, courtroom technology, and computerized litigation support.

e-discovery process. Understanding the perspective and challenges of the other team can facilitate the effectiveness of both teams in the mission of achieving the best possible result for their litigation client.

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