

**1987**

“The pen is mightier  
than the sword, but  
nothing compares  
with  
the vocal cord.”

--DAW/Vineyard Gazette

**"It's no longer enough to be a  
'change agent.' You must be a  
change *insurgent*—provoking,  
prodding, warning everyone in  
sight that complacency is death."**

--Bob Reich

# Olden Times

no.203.078

THE WORLDS OLDEST NEWSPAPER

- since 1879 -

## Bored Juror Goes Missing



**A juror in Oregon refuses to return to hear the remainder of a trial because he “just can’t take it anymore.”**

May 29, 2009 HILLSBORO— Some trials are sensational, but jurors cannot always rely on getting a stimulating case to hear. Grant Faber, a juror in Oregon, recently left the case he was hearing at lunchtime and did not go back in the afternoon because, as he told police when they later apprehended him, he was “extremely bored” in court.

Tedium, though, is not a recognized excuse for abandoning jury duty; Faber is now facing court again, this time as the defendant in a contempt of court case. In an interview with police that had been dispatched with an arrest warrant from the judge, Faber said he found the proceedings at Washington County Courthouse so dull that he “just couldn’t take it anymore.” Assuming he finds his own trial a sufficiently interesting drama to attend, the proceedings will begin next month.

**HUMAN  
ATTENTION**



**A juror's mind can wander ...**

Capture their full attention.

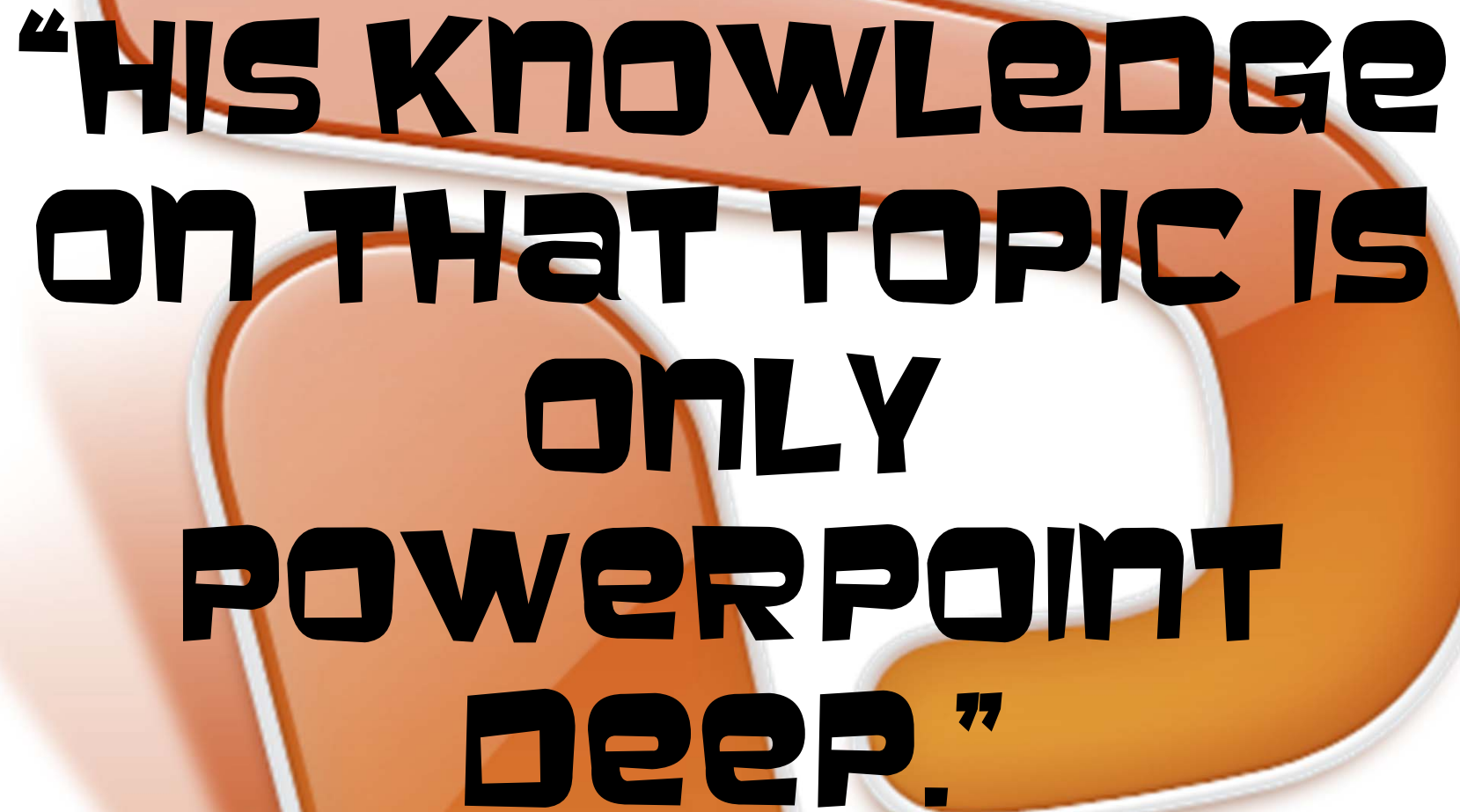
Sanction® litigation presentation software

**"The problem with  
communication... Is the**

**ILLUSION**

**that it has been accomplished."**





**“HIS KNOWLEDGE  
ON THAT TOPIC IS  
ONLY  
POWERPOINT  
DEEP.”**

--Corey Sommers, Whiteboard Selling



Blurred Boundaries: An Analysis of the Close Relationship Between Popular Culture and the Practice of Law, 30 U.S.F. L. Rev. 903, 906–10 (1995)

Visual Persuasion in the Michael Skakel Trial: Enhancing Advocacy Through Interactive Media Presentations, 19 Crim. Just. 22, 22–23 (Spring 2004)

The New Razzle Dazzle: Questioning the Propriety of High-Tech Audiovisual Displays in Closing Argument, 30 Vt. L. Rev. 361, 382 (2005–2006)

Law in the Digital Age: How Visual Communication Technologies are Transforming the Practice, Theory, and Teaching of Law, 12 B. U. J. Sci. & Tech. L. 227, 260 (Summer 2006)

A Manifesto for Visual Realism, 40 Loy. L.A. L. Rev. 719 (2007)

Misuse of High-Tech Evidence by Prosecutors: Ethical and Evidentiary Issues, 76 Fordham L. Rev. 1453 (2007)

Through A Glass Darkly: Using Brain Science And Visual Rhetoric To Gain A Professional Perspective On Visual Advocacy 19 S. Cal. Interdisc. L.J. 237 (2010)

The Bramble Bush Of Forking Paths, Digital Narrative, Procedural Rhetoric, And The Law 14 Yale J. L. & Tech. 66 (2011)




“A trial lawyer  
without images  
is

like a movie without a  
projector.”

--David Ball







**“In much the same way, young German boys and girls in 1941 were mesmerized by Leni Reifenstahl’s *Triumph of the Will*, in which Adolf Hitler was depicted as a newborn God. Both *JFK* and *Triumph of the Will* are equally a propaganda masterpiece and equally a hoax.”**

--Jack Valenti, President, Motion Picture Association of America

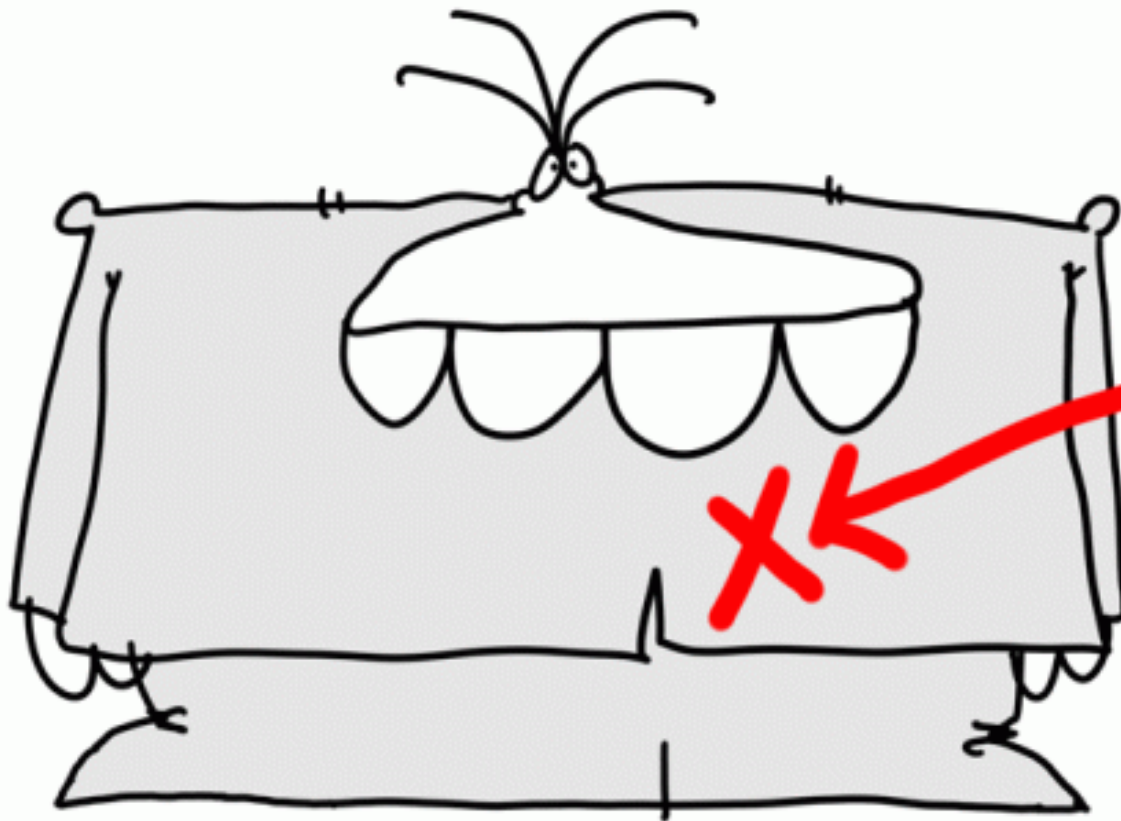


● ●

If you tell them, they  
will not believe you;

If you show them,  
they have no choice  
but to agree.

we do  
what we  
do  
because



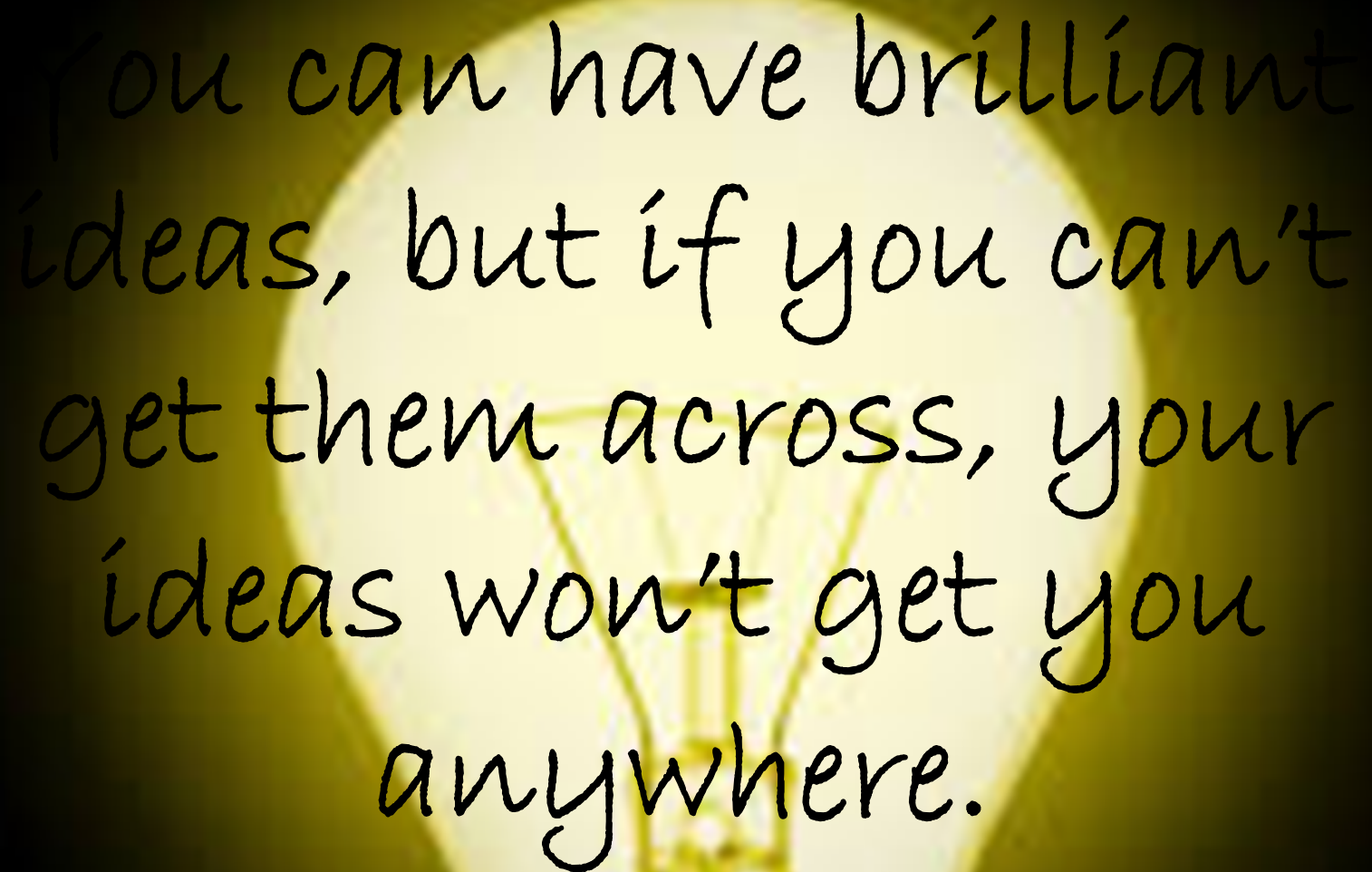
souls  
need to  
be touched.

hugh



“I’ve learned that people will  
forget what you said,  
people will forget what you  
did,  
but people will never forget  
how you made them feel.”

--Maya Angelou

A glowing lightbulb is centered in the background, emitting a warm yellow light. The background is dark, making the lightbulb stand out. The text is written in a black, handwritten-style font over the lightbulb.

You can have brilliant  
ideas, but if you can't  
get them across, your  
ideas won't get you  
anywhere.

--Lee Iacocca

“The past few decades have belonged to a certain kind of person with a certain kind of mind – computer programmers who could crank code, lawyers who could craft contracts, MBAs who could crunch numbers. But the keys to the kingdom are changing hands. The future belongs to a very different kind of person with a very different kind of mind – creators and empathizers, pattern recognizers and meaning makers. These people – artists, inventors, designers, storytellers, caregivers, consolers, big picture thinkers – will now reap society’s richest rewards and share its greatest joys.”

--Dan Pink, *A Whole New Mind*

00:00

COURT



**"IT IS NOT THE STRONGEST OF  
THE SPECIES THAT SURVIVES, NOR  
THE MOST INTELLIGENT, BUT THE  
ONE MOST RESPONSIVE TO  
CHANGE."**

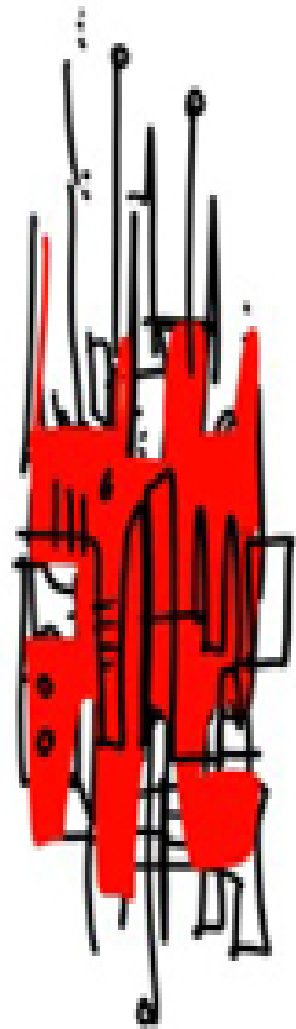
**--Charles Darwin**

**“Everyone lives by selling something.”**



--Robert Louis Stevenson



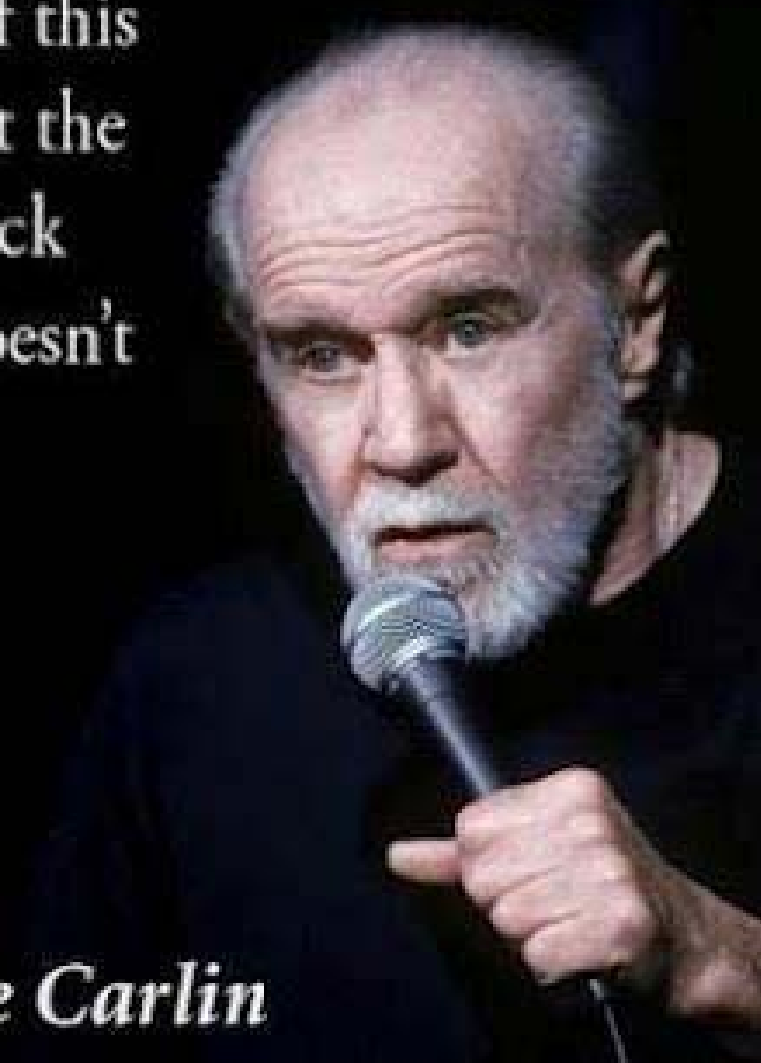


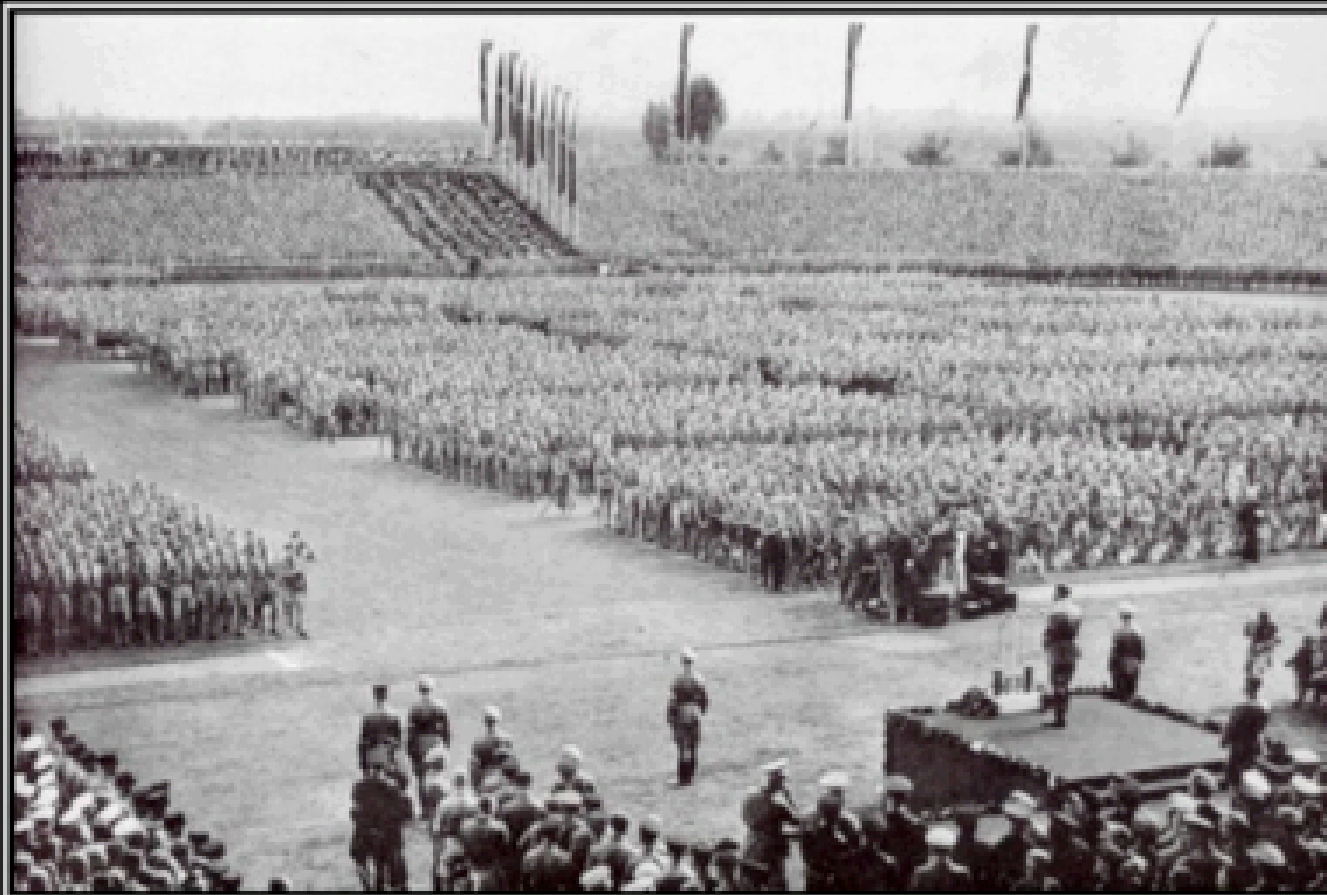
everything is marketing  
your job is marketing  
your product is marketing  
your dog is marketing  
your mother is marketing  
your daddy is marketing

hugh

Sooner or later, the people of this country are going to find out the government doesn't give a fuck about them. Government doesn't care about you. All they are interested in, is keeping and expanding their own power.

- *George Carlin*



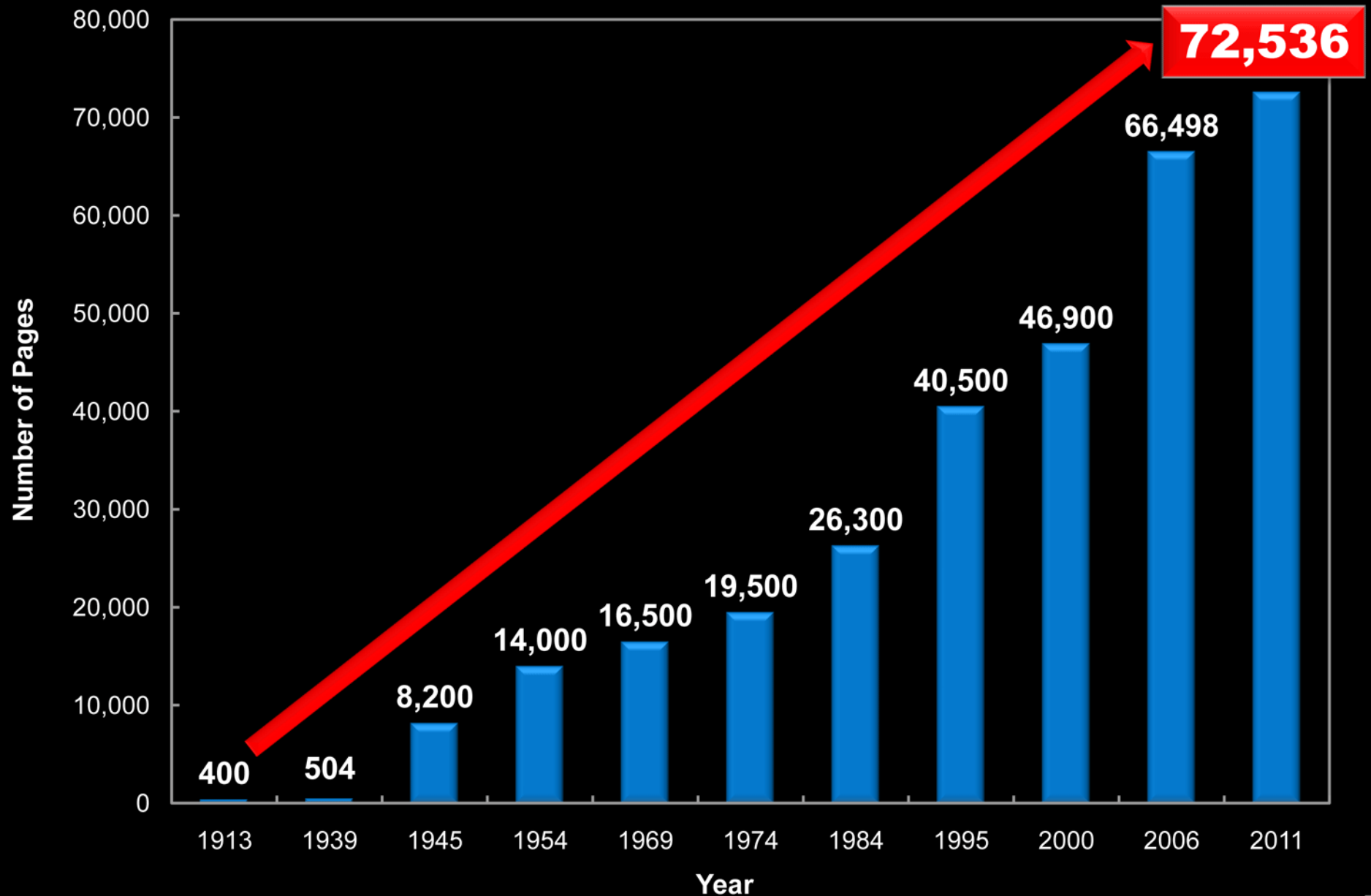


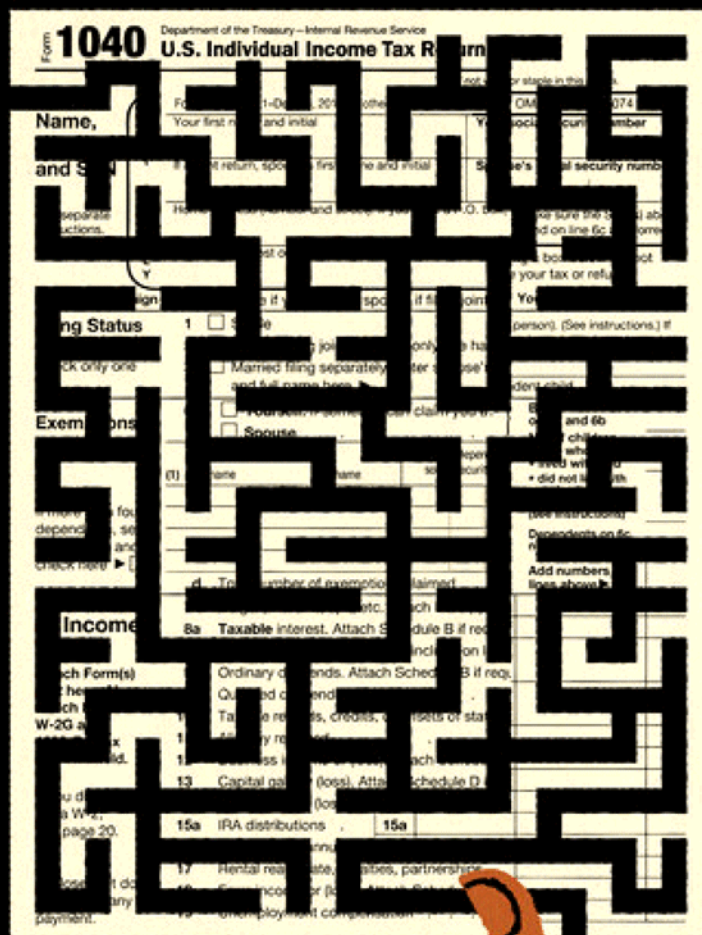
# GOVERNMENT

It killed 250 million people last century. Can you imagine a world without it?

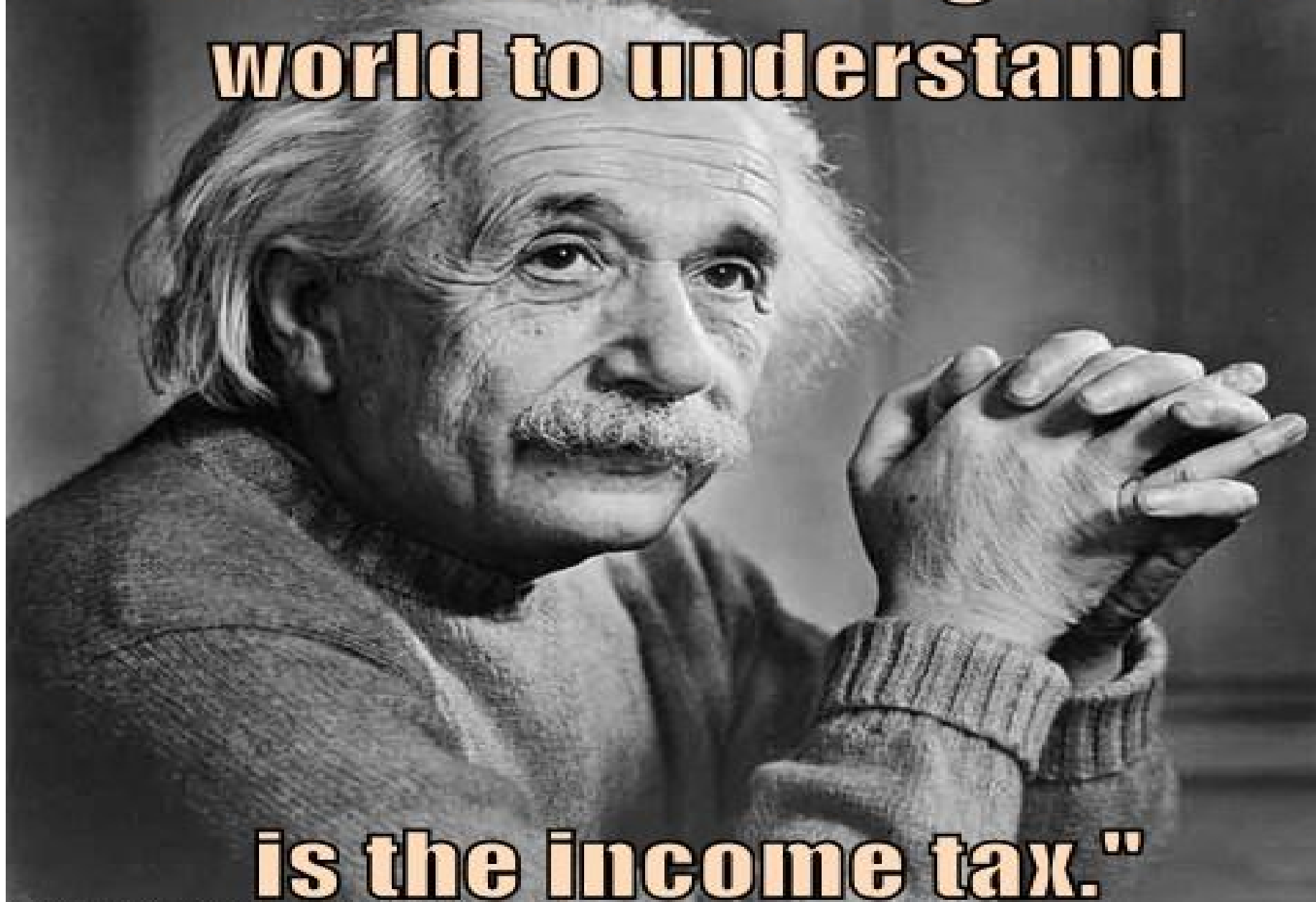


# NUMBER OF PAGES OF FEDERAL TAX RULES





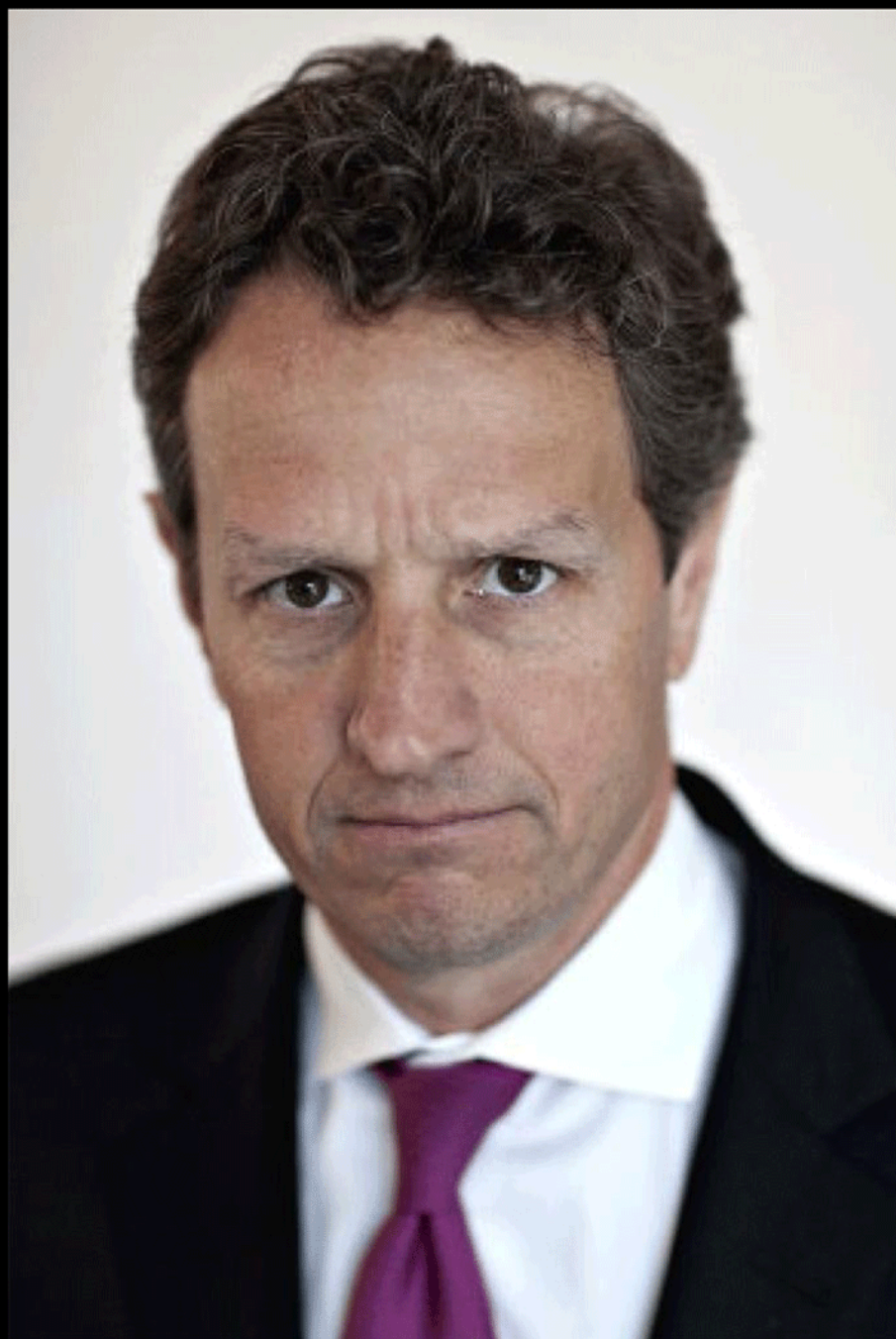
**"The hardest thing in the  
world to understand**



**is the income tax."**



13.9%











## **A VERDICT OF NOT GUILTY INCLUDES:**

Based upon the evidence, we the Jurors find that the defendant is **absolutely 100%** innocent.

Based upon the evidence, we the Jurors cannot be **absolutely sure** that the defendant is innocent.

Based upon the evidence presented, we the Jurors are **confident** that the defendant is innocent.

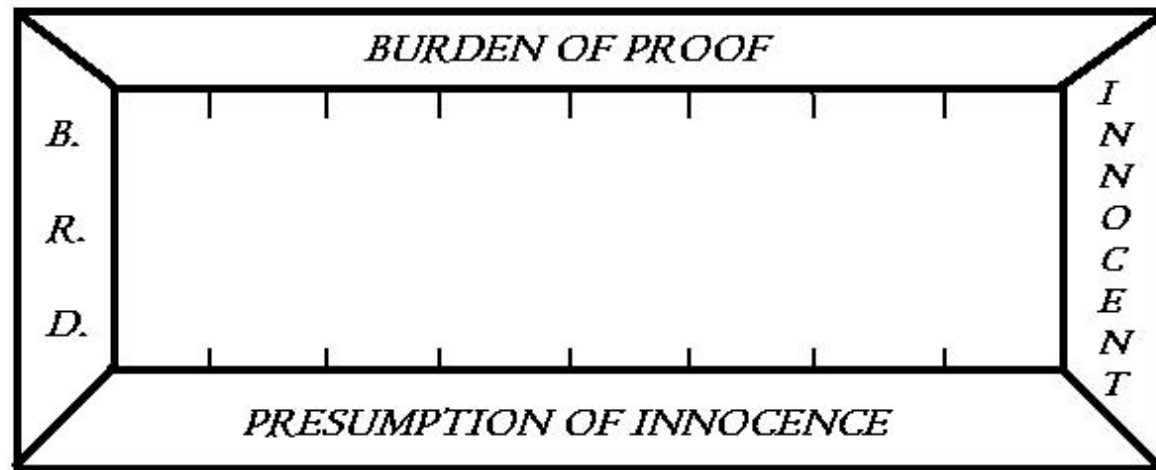
Based upon the evidence presented, we the Jurors believe that the defendant is **probably innocent**.

Based upon the evidence presented, we the Jurors are **not really sure one way or the other** if the defendant is guilty or innocent.

Based upon the evidence, we the Jurors believe it is **more likely than not** that the defendant is guilty.

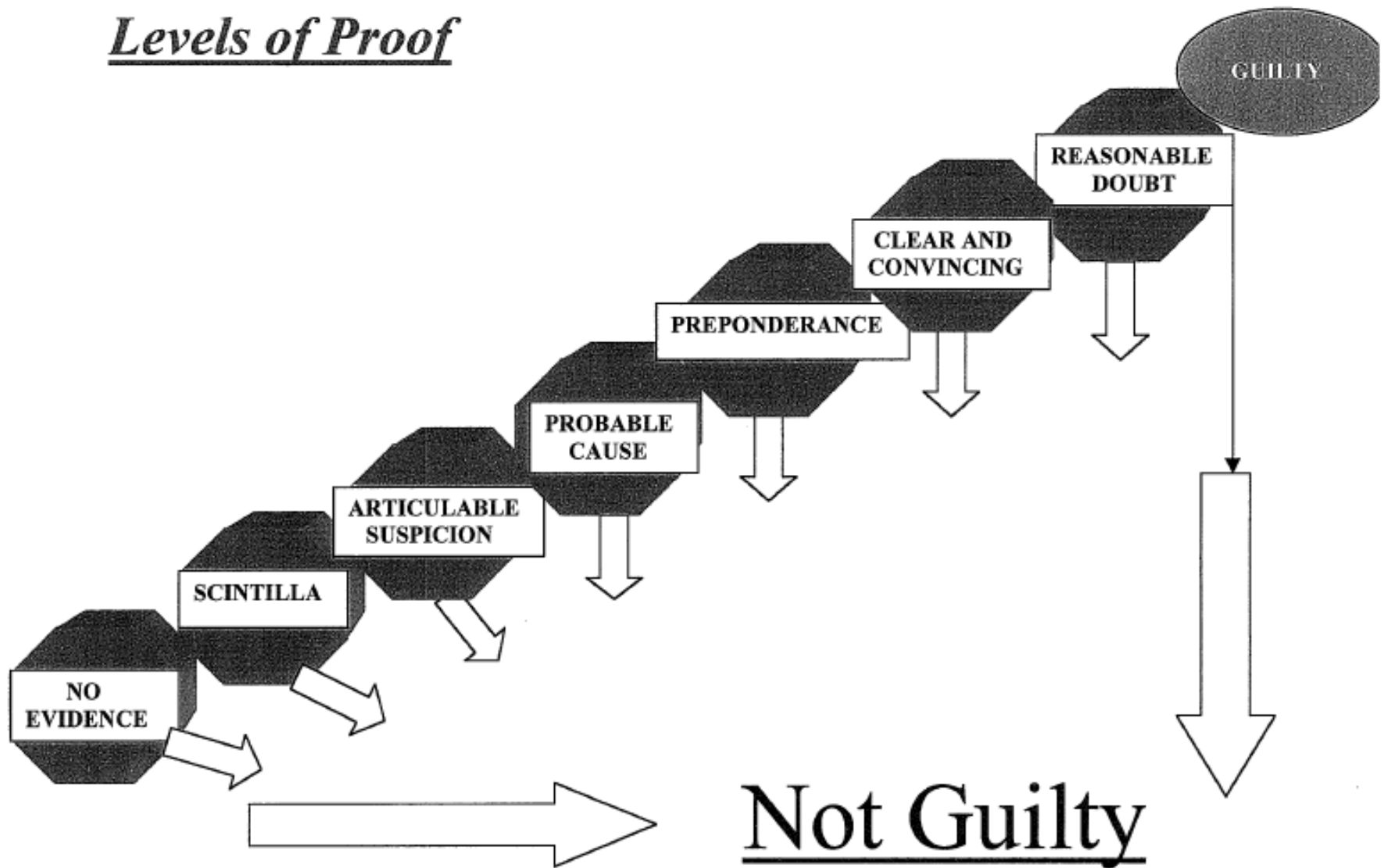
Based upon the evidence presented, we the Jurors believe that the defendant is **probably guilty**.

We the Jurors believe that the defendant is guilty but the **evidence falls a little short** and we **cannot find** that the defendant is guilty **beyond a reasonable doubt**.



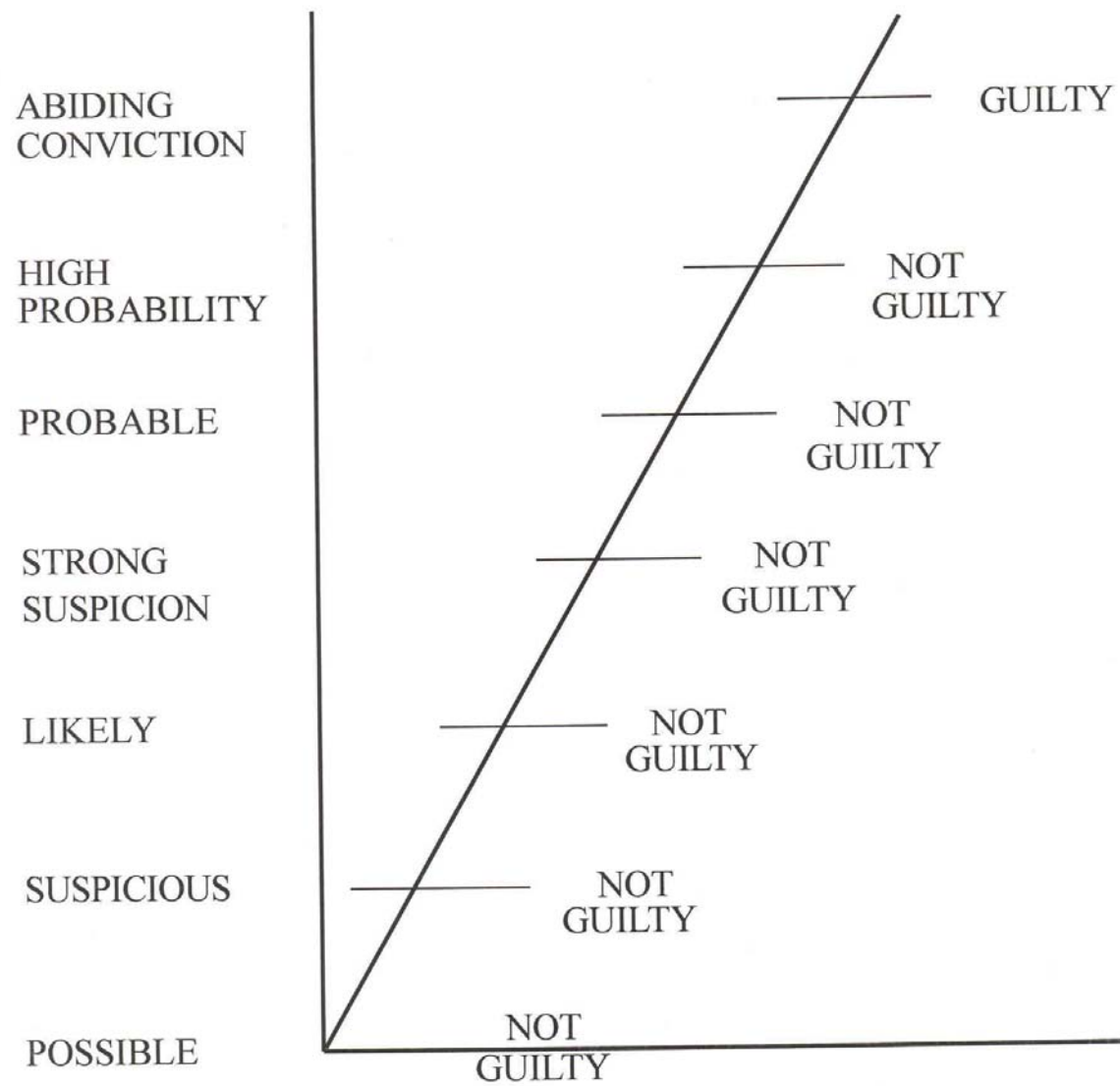


## Levels of Proof

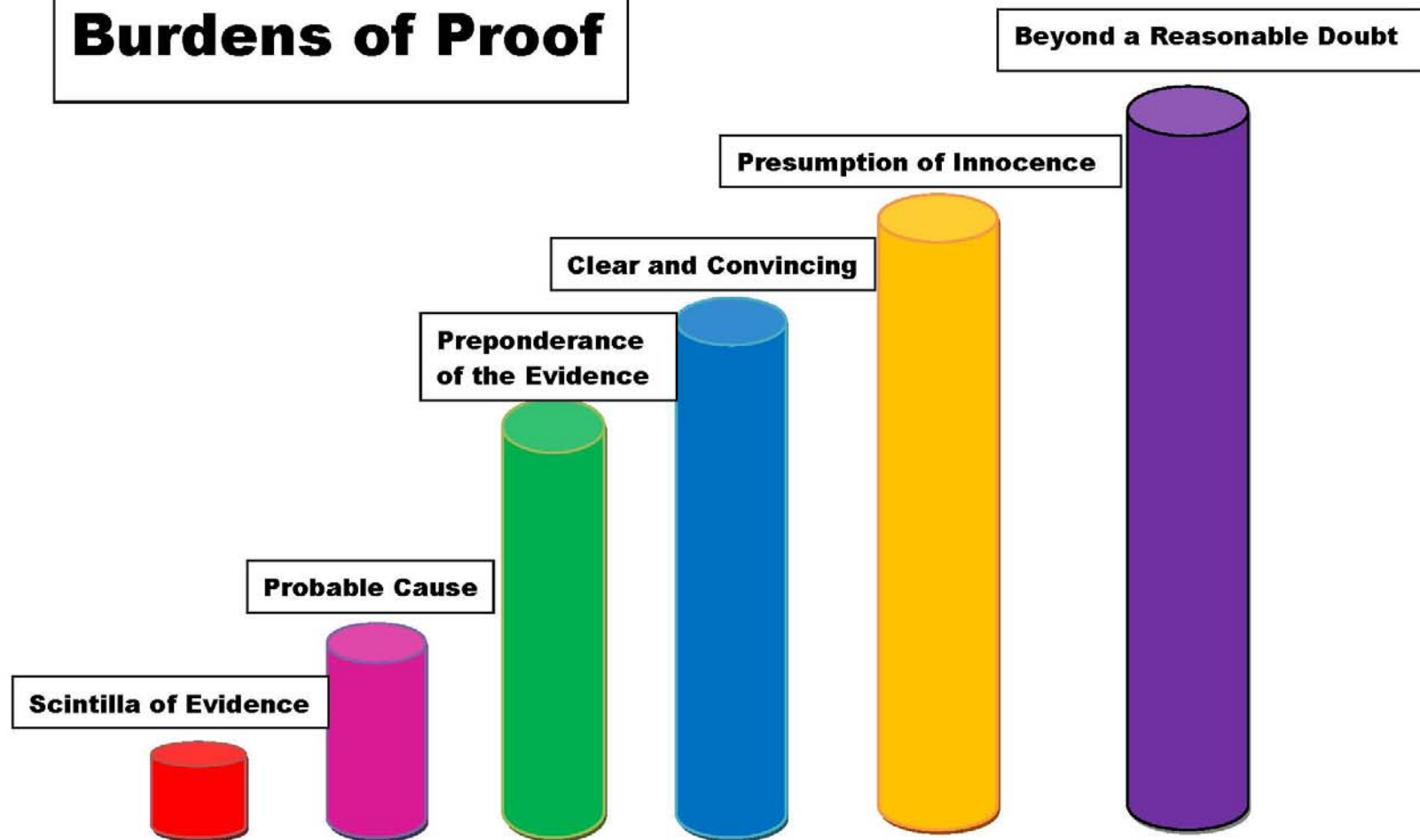




## BEYOND A REASONABLE DOUBT



# Burdens of Proof



# Standards of Proof

Only Proof Beyond  
a Reasonable Doubt  
is Enough to  
Convict of Crime

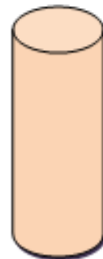
**Presumption of Innocence**

**Not Enough Evidence  
to Convict of Crime**

Mere  
Scintilla of  
Evidence



**Probable Cause**



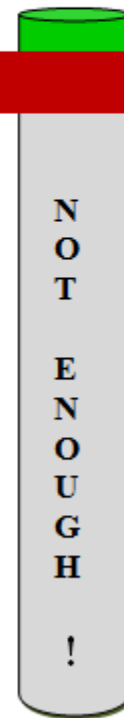
**Preponderance  
of the Evidence**



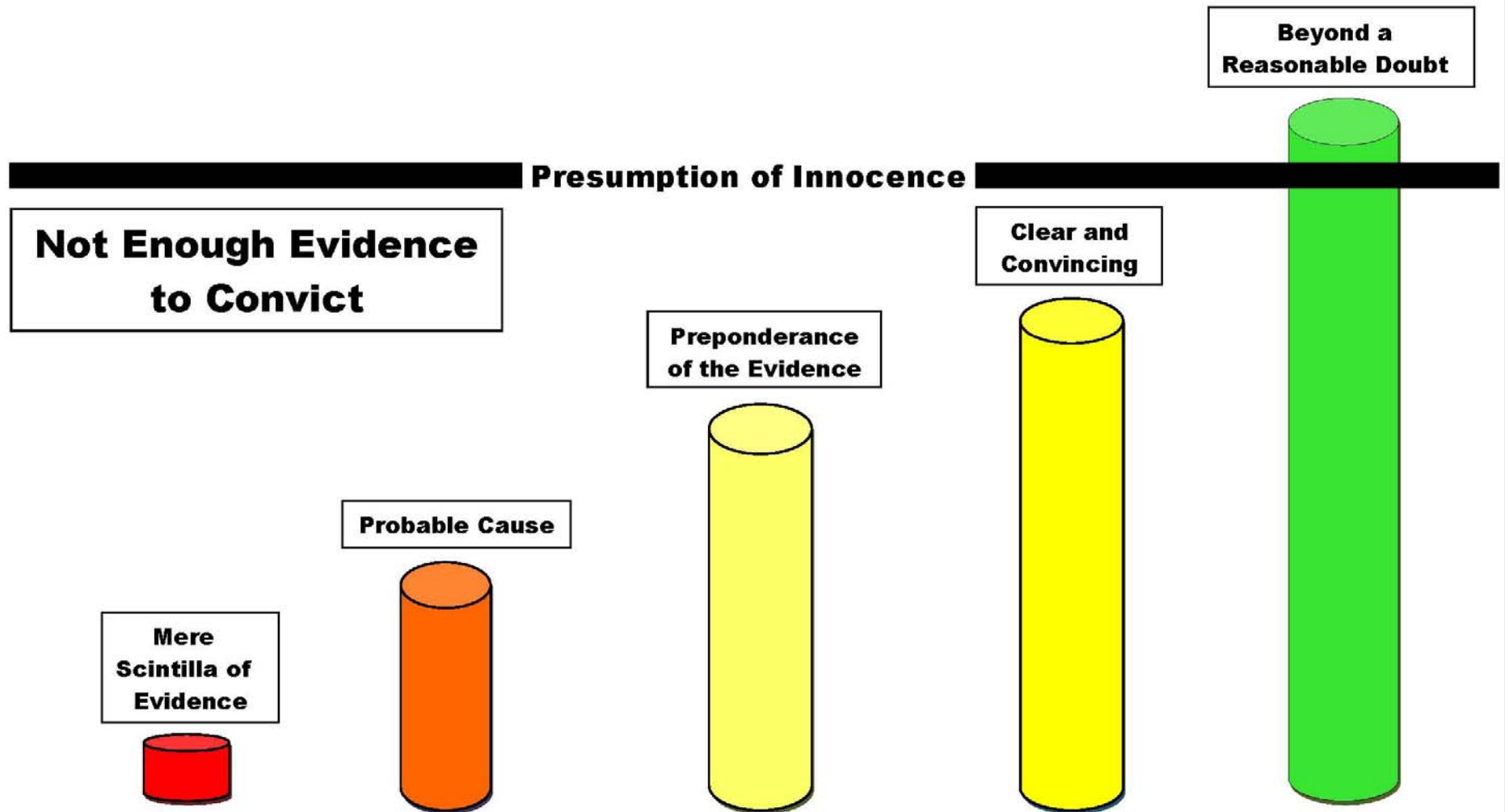
**Clear and  
Convincing**



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# Standards of Proof



# Standards of Proof

**Only Proof Beyond  
a Reasonable  
Doubt is Enough to**

**Presumption of Innocence**

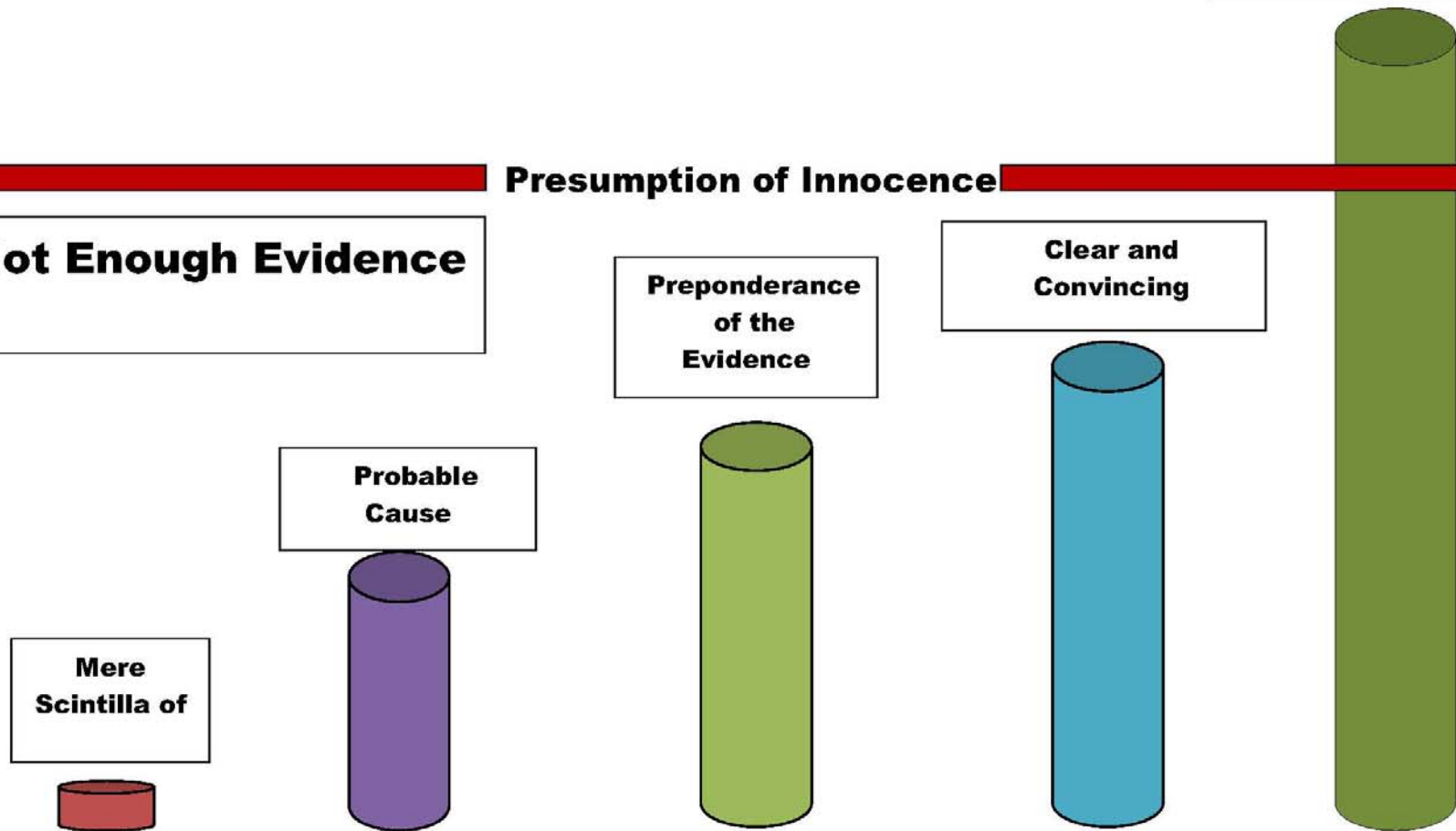
**Not Enough Evidence**

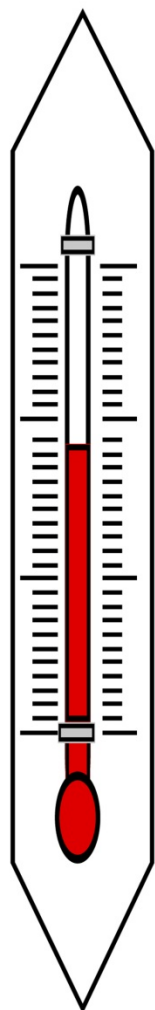
**Mere  
Scintilla of**

**Probable  
Cause**

**Preponderance  
of the  
Evidence**

**Clear and  
Convincing**





## **D e g r e e s   o f   G u i l t**

**Guilty, beyond a reasonable doubt..... GUILTY**

**Guilt is highly likely**

**Guilt is likely**

**I think he is probably guilty**

**I think he is possibly guilty**

**I suspect that he may be guilty**

**Perhaps he is guilty**

**I don't really know if he is guilty or not**

**He may not be guilty**

**I think it is possible that he is not guilty**

**I think it is unlikely that he is guilty**

**I think he is probably not guilty**

**I think it is less than likely he is guilty**

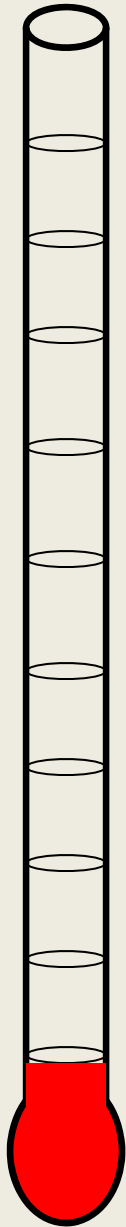
**I think it is highly unlikely he is guilty**

**He was proven not guilty**

**NOT  
GUILTY**



# Degrees of Guilt



- Definitely guilty, beyond a reasonable doubt
- Guilt is highly likely
- Guilt is likely
- I think he is probably guilty
- I think he is possibly guilty
- I suspect that he may be guilty
- Perhaps he is guilty
- I don't really know if he is guilty or not
- He may not be guilty
- I think it is possible he is not guilty
- I think it is unlikely he is guilty
- I think he probably is not guilty
- I think it is less than likely he is guilty
- I think it is highly unlikely he is guilty
- He was proven not guilty

**GUILTY**

**NOT  
GUILTY**

# Degrees of Guilt



- Definitely guilty, beyond a reasonable doubt
- Guilt is highly likely
- Guilt is likely
- I think he is probably guilty
- I think he is possible guilty
- I suspect that he may be guilty
- Perhaps he is guilty
- I don't really know if he is guilty or not
- He may not be guilty
- I think it is possible he is not guilty
- I think it is unlikely he is guilty
- I think he probably is not guilty
- I think it is less than likely he is guilty
- I think it is highly unlikely he is guilty
- He was proven not guilty

**GUILTY**

**NOT  
GUILTY**

# **Presumption of Innocence**

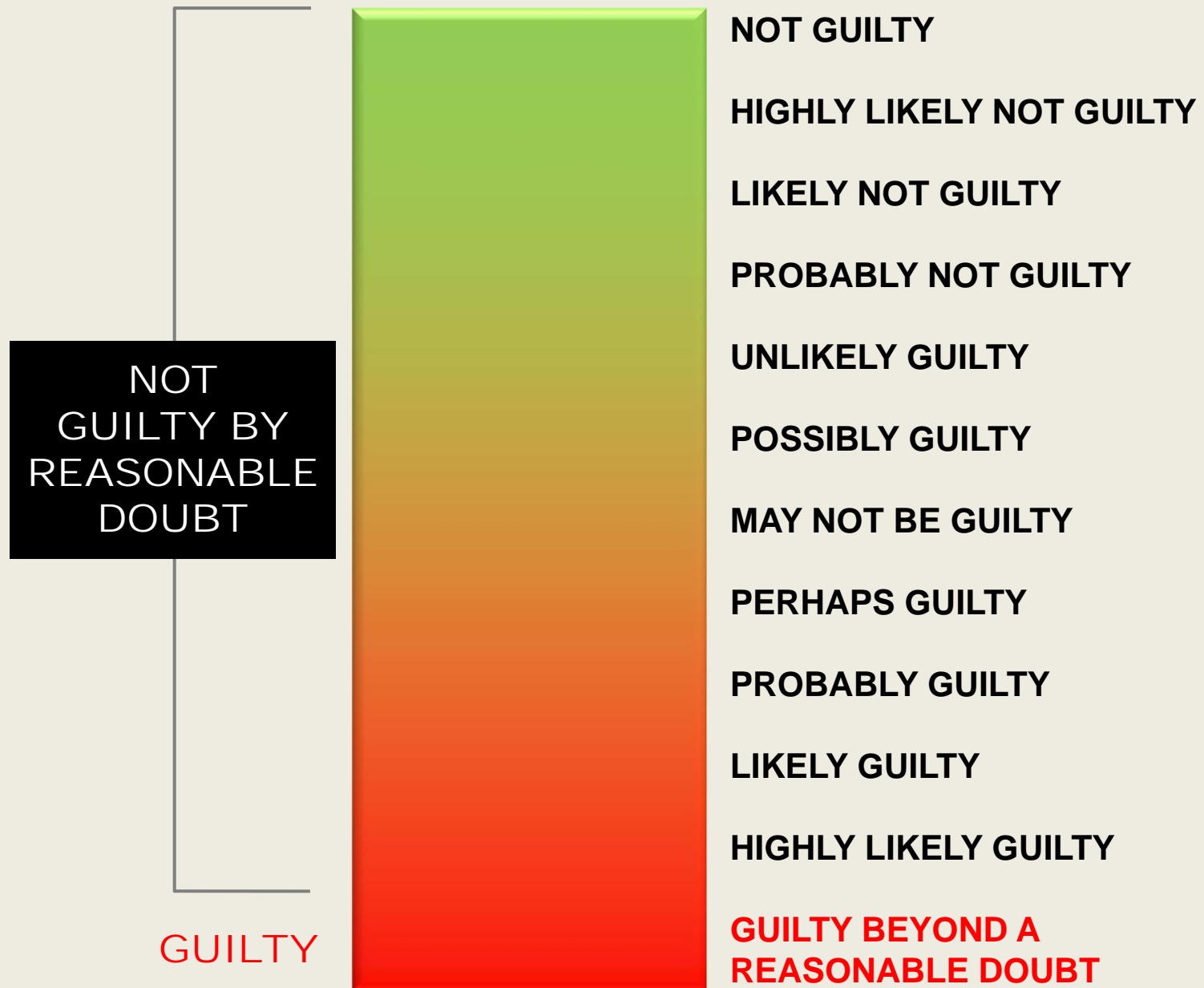
## **Reasonable Doubt**

### **Burden of Proof**

<b>Guilty</b>	-	<b>Proven Beyond a Reasonable Doubt</b>
<b>Not Guilty</b>	-	<b>Probably Guilty</b>
	-	<b>Possibly Guilty</b>
	-	<b>Maybe Guilty</b>
	-	<b>Likely Guilty</b>
	-	<b>Unlikely Guilty</b>
	-	<b>Not Guilty</b>

# BURDEN OF PROOF

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# Burden of Proof

**GUILTY**

**NOT  
GUILTY**



← **GUILTY BEYOND A  
REASONABLE DOUBT**

← **GUILT HIGHLY LIKELY**

← **GUILT LIKELY**

← **PROBABLY GUILTY**

← **POSSIBLY GUILTY**

← **SUSPECTED**

← **PERHAPS**

← **MAY NOT BE**

← **POSSIBLY NOT**

← **UNLIKELY**

← **PROBABLY NOT**

← **LESS THAN LIKELY**

← **HIGHLY UNLIKELY**

← **PROVEN NOT GUILTY**

# BURDEN OF PROOF

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# BURDEN OF PROOF

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**“You do not merely want  
to be the best of the best.  
You want to be  
considered the ONLY  
ONES WHO DO WHAT  
YOU DO.**

**--Jerry Garcia**

Life is not a journey to the grave  
with the intention of arriving safely  
in one pretty and well-preserved  
piece, but to skid across the line  
broadside, thoroughly used up,  
worn out, leaking oil, shouting

**'GERONIMO!'**

--Bill McKenna, professional motorcycle racer (Cycle magazine February 1982)

**Geronimo!**