Bridging the Gap Between Brief and Bench: Graphics in Markman Hearings

By Sully Ridout, Senior Design Consultant

Whether you are a veteran partner or a first-year associate, preparing for a *Markman* hearing can be stressful. You may be done filing the briefs, but you have other things to contend with, such as refining the arguments, developing a technology tutorial, and coordinating with experts, just to name a few. Assembling the Markman presentation can become an afterthought: important enough to demand attention, but often delegated to staff whose expertise lies elsewhere.

A well-crafted slide deck can significantly influence the outcome of a *Markman* hearing, where clarity is everything. Choosing to bring graphics consultants onboard is not just about lightening the load for your team, it is how one takes arguments from abstract text on the page to visuals that can convince the judge at a glance. A seasoned consultant knows what the court expects to see, and they will not need much direction to translate and structure dense material into a courtroom-ready presentation.

Having produced slides for hundreds of *Markman* and other pre-trial hearings over the past 13 years, I have found that each one presents unique challenges and ever-changing subject matter. But they all follow a similar pattern, like different verses in the same familiar song. When it comes to arranging your "verses" into a cohesive composition, my colleagues and I recommend choosing among three approaches to developing the initial draft, depending on the client's preferred workflow and budget limitations.

1. Drafting from the Briefs

If conversations with the client reveal that they are short on time to coordinate production, we often recommend that the graphics team draft slides directly from the briefs. With this approach, the client will simply provide the full set of submitted briefs and supporting documents, along with high-level direction as to which terms to omit or combine. From there, the designers build a skeleton deck organized by term, with placeholders for proposed constructions and key evidence.

The briefs are closely reviewed to extract titles, bullet points, and citations, identifying opportunities to add visuals or analogies that clarify arguments along the way. This content is added to the slides until the presentation reflects the substance of the written materials.

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For legal teams balancing competing demands, this method ensures that nothing is missed, as every element of the brief gets translated into slide format. With a complete draft in hand, the client can quickly decide what to cut, refine, or supplement.

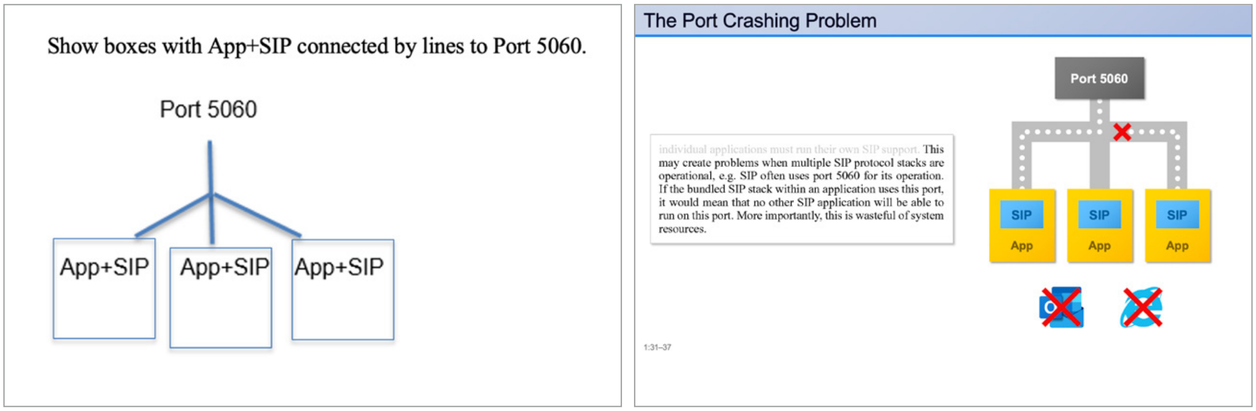
While this approach may require a larger budget, the time savings and thoroughness often justify the investment. It is ideal when the client needs a solid starting point with minimal input required upfront.

2. Client-Provided Outline

For attorneys seeking a balance between control and efficiency, providing an outline to the graphics team can streamline slide development. Typically submitted in Word format, a well-organized outline includes numbered slide titles, bullet points, and citations to intrinsic and extrinsic evidence. This is also the right time to establish preferences for details like citation formatting and visual style. Clients may even include reference images or sketches to inform potential illustrations.

This middle-ground approach allows the legal team to shape the overall structure and emphasis of the presentation while leaving room for creative input from design experts. It also helps to avoid production of material that might later be cut—saving time and money in the revision phase.

This method works especially well for teams that have already identified their core points and want to focus on presenting them with maximum clarity and visual impact.



Rough graphics direction provided in an outline versus the final slide.

3. Client-Provided Rough Slides

The most cost-effective option for drafting a *Markman* presentation requires the client to supply a rough slide deck that includes all anticipated content. This draft may contain raw text, document callouts, or sketched ideas for visuals. With this foundation in place, graphics consultants can focus on refining the material—enhancing clarity, formatting, and visual appeal—without needing to interpret or extract content from the briefs.

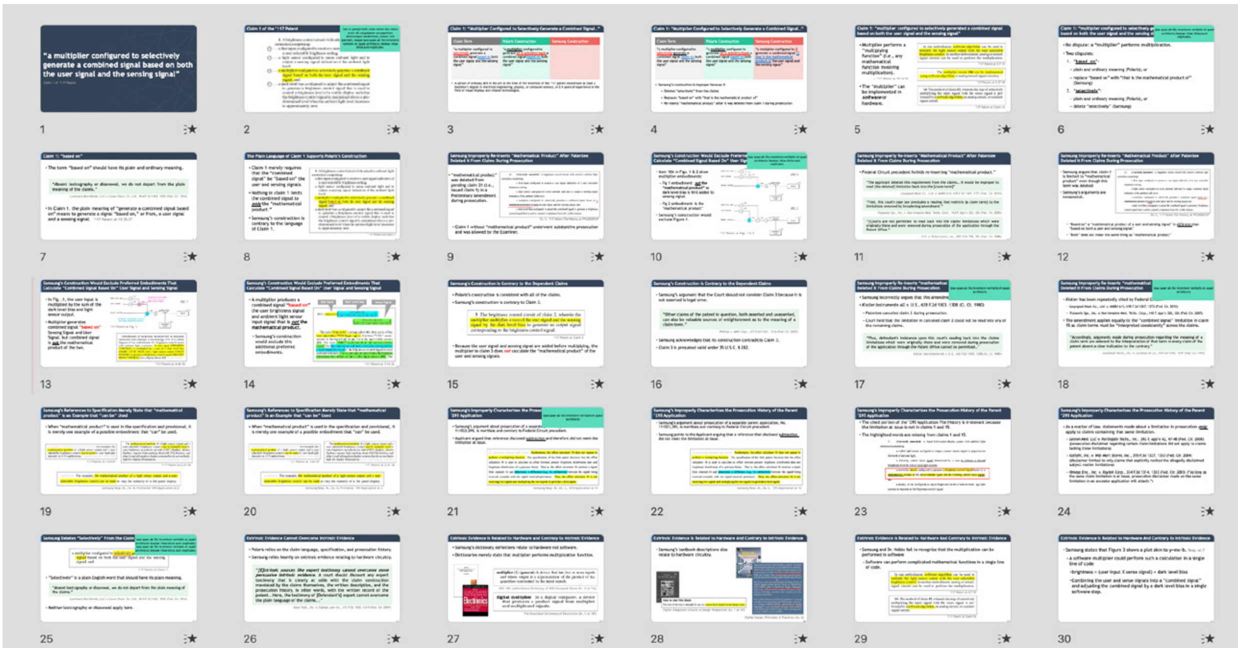
Because this approach places responsibility for content selection on the legal team, it is typically the most expedient way to produce a finished presentation. When attorneys and consultants work in parallel—polishing existing slides while additional terms are being developed—the turnaround time can be reduced even further.

We recommend this method when clients already have a strong vision for what the final presentation should contain, but need help translating that into a polished, professional deck.

Next Steps: Refining and Finalizing the Draft

Once the initial draft of the presentation is complete, you should expect an iterative process between your team and the graphics consultants. Revisions may include reorganizing content, improving graphic clarity, or adding emphasis to key points, with the presentation evolving through several working versions. Be sure to communicate clearly with your consultant about who has the pen; maintaining version control is key to avoiding duplicated work or missed edits as the presentation takes shape.

Providing clear, visible feedback during the revision process is essential to keeping turnarounds efficient. Clients often ask whether they should use PowerPoint's Comment tool or the Notes section for this purpose. While both are valid options, they can easily be missed since they are not immediately visible during slide review.



Slides clearly flagged with edits.

An emailed list of edits can work well, so long as the slide order stays fixed. However, this method is vulnerable to confusion if slides are added, moved, or removed. For example, if your first note is "Delete slide 1," the numbering of all subsequent slides immediately shifts, throwing off the rest of the list of edits.

The most effective approach is to place feedback directly on the slides themselves. A brightly colored box in the upper corner of a slide is hard to miss and makes it easy to see the number of edits in a deck.

About the Author

Sully Ridout, Senior Design Consultant at IMS Legal Strategies, has been creating compelling trial graphics for well over a decade. Sully specializes in patent litigation and technology tutorials, having dealt with a wide range of industries, including cellular technology, industrial equipment, internet security, and offshore drilling. Prior to joining the IMS team, Sully worked in design and animation for such clients as American Airlines, Anheuser-Busch, Universal Pictures, Microsoft, Nabisco, and Lego. His personal artworks have been displayed in galleries and shows around the Dallas, Texas area.

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