



Energy Arbitration Requires Clarity: The Strategic Value of Visual Advocacy

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It is no surprise that disputes related to energy, oil, and gas are complex. They often involve technical terminology, engineering concepts, project timelines, operational decisions, and damage theories. In such matters, the challenge is rarely the tribunal's ability to understand complex evidence. It is whether counsel has organized and presented that evidence in a way that is easy to remember and apply. That is where strategic visual communication becomes a competitive advantage.

Sophisticated Arbitrators Still Need a Clear Structure

A common mistake I have seen attorneys make is assuming graphics are less important before an arbitrator than before a jury. That assumption can leave even strong evidence without the clear structure arbitrators need to evaluate and remember it.

The most experienced arbitrators familiar with the energy industry can still benefit from a logical framework for assessing technical evidence, competing expert opinions, and the sequence of events that led to the dispute. This approach reduces cognitive burden by giving the tribunal a way to see how it all fits together. In that sense, visuals are not merely illustrative; they become a tool for improving comprehension and recall.

Ultimately, no matter how strong the case is, effectively communicating a client's position to the tribunal is critical. If counsel does not make that structure clear, the opposing side may define the lens that arbitrators use to understand the facts.

The Best Visuals Serve the Story

Distilling complex technical arguments into compelling visuals is critical in arbitration because arbitrators may hear hours of testimony each day across several consecutive days. Strategic demonstratives can give that evidence a usable structure, highlight the client's strongest arguments, simplify technical issues, and show why the opposing narrative does not fit the record.

Effective visual advocacy can take many forms. These examples show how I have seen it used in energy arbitration:

- Physical models of a mine that precisely detailed where ore was still present
- 3D animations that made an engineer's technical testimony more tangible
- Interactive maps that tied evidence together across natural gas pipeline networks
- Simple analogy slides that showed why one side's narrative fits the evidence better than the other's

Visual strategy for arbitration does not always mean recommending more (or more complex) graphics. In some portions of a presentation, the best approach may be restraint. If a clean timeline, a simple callout, or even no demonstrative at all better supports the story, that is the right choice. The goal is to make disciplined visual choices that clarify the case, support the advocacy, and help the tribunal see why the evidence supports a particular conclusion.

Clarity Is a Strategic Advantage

The right approach to an arbitration presentation depends on the case's unique facts, the audience, and the overall narrative. In energy arbitration, where technical, factual, and economic issues often overlap, that judgment becomes especially important. Graphics help counsel deliver the core messages, but much of their value also comes from the strategic process of developing them.

A thoughtful visual strategy enables attorneys to decide what matters, simplify what is complicated, and present the case in a way that helps arbitrators make informed decisions. When the story is clear, the tribunal can focus on the merits of the dispute rather than the complexity of the evidence.

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