



CLYDE & CO.
GLOBAL LAW FIRM

The Key to a Winning Trial Presentation



WRITTEN BY NEXTPOINT
CLIENT SUCCESS TEAM

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*Transform Arguments Into a Visual Story
with the Nextpoint Trial Services Team*

QUICK SUMMARY

Fred Fein was preparing to go to trial for an incredibly complex litigation matter centered on an asset purchase agreement. He set out to find assistance in creating visual aids to break down the complexities of the case and present a clear, cohesive argument at trial.

He learned that Nextpoint, his firm's ediscovery software provider, also had the expertise to provide trial support. Nextpoint's trial services team supplied Fred with a range of compelling graphics, including charts, maps, timelines, and more. The team also helped Fred manage his exhibits using Nextpoint's case prep software.

Opposing counsel's strategy was to capitalize on the complexity of the case and create confusion. But Fred had straightforward visuals that could cut through all the noise, leading to a victory for his client.

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Regardless of your client's appetite for trial, sometimes it's inevitable – and you must be prepared. By that point, you've already collected relevant evidence and built your case through document review and productions. That's usually where an ediscovery technology platform stops ... unless you're using Nextpoint.

In 2001, Nextpoint began its life as a trial presentation consulting company, and those roots have stayed strong, even as the company has expanded to support litigation teams through all discovery phases. Today in Nextpoint, you can review and produce documents and then immediately jump into presentation mode. Nextpoint has on-staff experts and seasoned hot-seaters that can help you achieve your trial goals, just like we did for Fred Fein.

THE CHALLENGE:**Complex Litigation at Clyde & Co**

Fred Fein is the managing partner for the Miami office of the international law firm Clyde & Co and also serves as the U.S. Head of Product Liability Litigation Group. Fred has been the lead counsel in numerous civil litigation matters with high exposure damages involving automotive components, household appliances, aviation disasters, insurance coverage claims, and more. Because Fred has to routinely explain highly complex and confusing concepts to judges and juries, he's learned to lean heavily on visual experts to help him deliver his message effectively.

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Fred was aware that his firm used Nextpoint's ediscovery software, but he had never considered the company for help with trial presentation until a colleague made the suggestion. After initial discussions, the "Nextperts" prepared sample demonstratives for his upcoming trial. Fred was so impressed that he dismissed another potential vendor and immediately started working with Nextpoint on a major trial.

Confusing Contracts and Complicated Challenges

The underlying matters, tried separately, involved two incredibly complex cases that arose from an asset purchase agreement. A seller associated with a joint venture sued for over \$100 million in damages, and a co-defendant brought a separate action against Fred's client. The cases went on for 7+ years and weaved through convoluted issues of breach of contract, tortious interference, antitrust, trade secret violations, indemnity claims, and much more.

Fred had to weave a simple and understandable story that would rise above the noise, and he relied heavily on Nextpoint to aid him in that quest. Ultimately, the visual demonstratives helped Fred win both cases and have judgments entered in his client's favor.



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Fred had three primary objectives he wanted to accomplish in working with Nextpoint:

1. Develop professional, compelling, and digital-first visual assets for trial presentation.
2. Use those visual assets to help untangle the complexities of the case and simplify the confusion created by opposing counsel.
3. Retain skilled consultants to expertly manage exhibits so he could focus his time and efforts on trial strategy.

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OBJECTIVE 1:

Develop professional, compelling, and digital-first visual assets for trial presentation.

Fred couldn't avoid the fact that a certain amount of the confusing information had to be conveyed and understood by both judge and jury, but he knew he couldn't let it overwhelm them. Megan O'Leary, Senior Solutions Architect at Nextpoint, was able to take Fred's ideas and distill them down into easy-to-comprehend visuals that Fred could seamlessly present in court. And while content is always the primary focus, Megan also understood how to best use colors, shapes, animations, and different visual components to ensure everything was immediately understandable.

In Fred's cases, all the parties had agreed to conduct the trials without wasteful paper, so all the demonstratives were digital-only both in the courtroom and for broadcasting via YouTube. By keeping this digital-only medium in mind, Megan ensured the visuals were easily viewable on any screen size as well as for streaming over the internet.

OBJECTIVE 2:

Use those visual assets to help untangle the complexities of the case and simplify the confusion created by opposing counsel.



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Fred's cases involved complex contracts, numerous negotiations, important triggering events, and a plethora of confusing terms that he needed the judge and jury to understand. Apparently the goal of the opposing party was to confuse and muddle the facts, which meant Fred had to untangle the mess so his audience had a cognizable story to follow. Fred boiled the numerous document collection down to 60-70 for use at trial, and then only used 8-10 of them in his opening and closing remarks. Those few documents allowed Fred to tell his client's story, but he still needed the assistance of visuals to properly walk the judge and jury through all the issues.

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Megan and the team at Nextpoint created timelines, corporate organizational charts, sale location maps, and other conceptual visualizations of the sales that transpired so Fred could show exactly what happened and when, along with the appropriate legal applications.



“All of the demonstratives and trial exhibits were terrific and tremendously helpful in demonstrating to the court what was going on and trying to undo this mess that the plaintiff had made of the facts,” Fred said.

OBJECTIVE 3:

Retain skilled consultants to expertly manage exhibits so he could focus his time and efforts on trial strategy.

When preparing for trial, Fred is obviously juggling a multitude of concerns and issues vying for his limited attention. He needs to focus on developing a strategy and forming complete, compelling arguments. In these moments, it’s vital to have a trial presentation consultant by your side that can take your fuzzy ideas and transform them into a reality that efficiently gets the message across. And that’s where Megan and Nextpoint came into the picture.

But it wasn’t just Fred that Megan had to interact with – there was a whole trial team along with co-counsel, and each person had their own assignments that Megan helped them accomplish. Megan also supported the team by handling much of the “back-end” work that kept the project running smoothly. She fully utilized the Nextpoint platform to keep all the exhibits organized and accessible for quick retrieval, applied custom stamps where necessary, and exported any document collections for the team.

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Post-trial, Fred shared that he never regretted the time and expense of using the experts at Nextpoint to create and manage all his visuals. It provided him peace of mind and a confidence that his all-important demonstratives looked great and were available when he needed them. He knew he had done everything he could to present a clear and compelling case in the face of his opponent's attempt to create confusion, and it worked like a charm. He stuck to simple exhibits, straightforward facts and informative visuals, courtesy of Nextpoint. "I think that, quite frankly, is what allowed us to win these cases," he said.

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