

# EFFECTIVE COMMUNICATION IN THE AGE OF TIKTOK

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TikTok! Time is ticking, so get to the point – and it better be good. Social media and other technological platforms have never been as popular as they are currently, and these various platforms have shaped the populations' minds to function differently and to receive information differently. When the wildly popular social media platform TikTok started, the maximum length of each video was 15 seconds. Eventually, the video length was expanded to 60 seconds, and now TikTok allows video uploads of up to three minutes. However,

the average length of a TikTok video that is considered optimal recommended length is 21 to 34 seconds. Interestingly, psychologists have suggested that regular use of TikTok may even exacerbate attention deficit disorder because watching short, stimulus-packed videos trains our brains not to focus well. The average user of TikTok, and many other social media platforms, desires to get the information they are digesting in under 30 seconds. And, in many cases, so does the average juror.

## **TECHNOLOGY HAS CHANGED OUR AUDIENCE.**

Since advances in technology have significantly altered the way we receive information, in order to communicate effectively, those of us giving presentations must also adapt. This applies to presentations given to clients, juries and employees. How does the fact that the general population wants their information in snippets of 30 seconds or less affect the legal industry that has been historically verbose? Gone are the days when attorneys get hours to pick a jury or perform



a closing argument. In recent years, judges in some states have been found to allot as little as 20 minutes for a closing argument, truly forcing trial attorneys to deliver the highlight reel to communicate their position to the jury. Is it even possible to discuss liability and complex medical damages in 20 minutes? It is, and to be effective, we must work with the time given to us.

### HOW DO WE CHANGE TO MEET THE NEEDS OF THE TIKTOK GENERATION?

In some cases, we go back to the old adage, “less is more.” Sometimes speakers, including lawyers, need to use fewer words. In addition, the effective use of demonstrative aids and quality visuals is vital to effective communication. For example, a video clip is likely to be received much better than a paragraph’s worth of words on a slide in a PowerPoint presentation. If a presentation contains documents or medical records, the audience wants to see the record rather than simply hearing the speaker talk about it. In the age of technology, visual aids evoke more emotion in individuals than mere words. For those of us who present regularly, it is an interesting exercise to watch “viral” videos and evaluate what made them so popular. Consider this, what can I learn from the fact that more than 1,000,000 people chose to spend 30 seconds of their time watching this video?

### IT HAS ALWAYS BEEN ABOUT YOUR THEME.

Even before the internet, before Facebook, Instagram, YouTube, Snapchat and TikTok, an effective presentation always came with a great theme. Now, more than ever, those of us delivering an opening statement, a CLE, or even presenting at a business meeting need to come out with a good hook. It’s important to reel the audience in quickly with a theme, and if that is not done, the audience may never become engaged. It is also critical to stick with your theme, to weave it into the entire presentation and remain consistent. In the age of distraction, staying focused is critical.

With today’s jurors, it is often helpful to choose a theme that comes with a catchphrase. Think: “Science not sympathy,” “The damage was done,” or “The case of the tear that was already there.” Sometimes, in the right case, an effective catchphrase can even be “Really?”. Once you have determined what the theme of your presentation will be, make sure that the theme is interspersed throughout your entire presentation. If you have a catchy statement that embodies your theme, you can use that phrase throughout the course

of the trial when questioning witnesses and showing the jury medical records and diagnostic studies. You keep it going until the closing argument, then utilize some of the same slides as you did in the opening, but with the added testimony proving your theme. Sticking to your theme will not only keep the attention span of the audience (or jury), but it also will build credibility and rapport between the audience and the presenter. Often, the theme can become muddled with side issues or red herrings, and in a trial, opposing counsel will certainly try to do this. If you stick with your theme and let the other side react to your presentation, you will likely come out on the winning side of things because the other side stays on defense the whole time and that makes it harder to score points so to speak.

### USING TECHNOLOGY TO KEEP OUR AUDIENCE ENGAGED

When it comes to the presentation itself, it is much like the theme. Ensure that the audience views your key points or pieces of evidence more than once. Utilizing repetition to drive home your key points will help your audience remember your message. Studies have shown that most people remember only 20% of what they read, but 80% of what they see. If you show the audience the same records that are positive to your case multiple times, they are that much more likely to remember them. This theory also applies generally to presentation – if there is a document that illustrates your point, show it more than once. In addition, you should highlight the pertinent points within the record itself so you can key the viewer directly into the area you want them to see and remember.

For example, if you are presenting evidence in a case involving personal injuries, whether at trial, or perhaps even at a mediation (assuming you are ready for the other side to see your theory of the case), if there is evidence in the medical records that the claimed injury was preexisting, show the record and highlight key information such as the date of the record and the condition diagnosed. The same goes for diagnostic studies that assist in your case. It is always better to show the photographic evidence if it is more technical than the viewer is used to seeing. With technical evidence like an MRI, CT or X-ray, utilize expert testimony to assist the viewer in understanding what they are looking at and why it shows the evidence you are telling them it shows. And if you are using an expert, make sure your witness is a good communicator. Like many lawyers, some doctors tend to use too many words.

As mentioned above, utilizing video

clips to keep your presentation interesting works with CLEs, mediation presentations, and of course closing arguments. If, for example, you had to take expert testimony by video – use that to your advantage. Although it is always preferable to have expert witnesses testify live, you can use the fact that you have previously recorded testimony to drive home your message and case theme. If the video has already happened, during opening statements, you can tell the jury what they are going to hear with certainty. In the closing argument, you can replay key portions of the testimony that support your position. Having the viewer hear and see the testimony again right before they go into making a decision on behalf of your client can work to your advantage, particularly when your opponent does not do the same.

### KEEP IT SHORT AND TO THE POINT.

Given the volume of technology and visuals thrown at the average person on a daily basis, it should also be noted that streamlining your audio and visual presentations is important. Prepare as much of it as you can ahead of time. Make sure the highlighting and video cuts are ready to go. Practice your presentation to see what works. Ask for feedback when that is an option. Gone are the days when you can simply talk to an audience for an extended period of time without a technologically advanced presentation to back you up. Individuals, especially in a jury trial setting, expect a technologically savvy presentation. You will not get away with huge blow-ups of medical records, photographs and jury instructions. Juries and audiences in other types of presentations will find that method antiquated and unpersuasive. So remember, for an effective presentation, get a good theme, get to the point, and get their fast. TikTok!



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