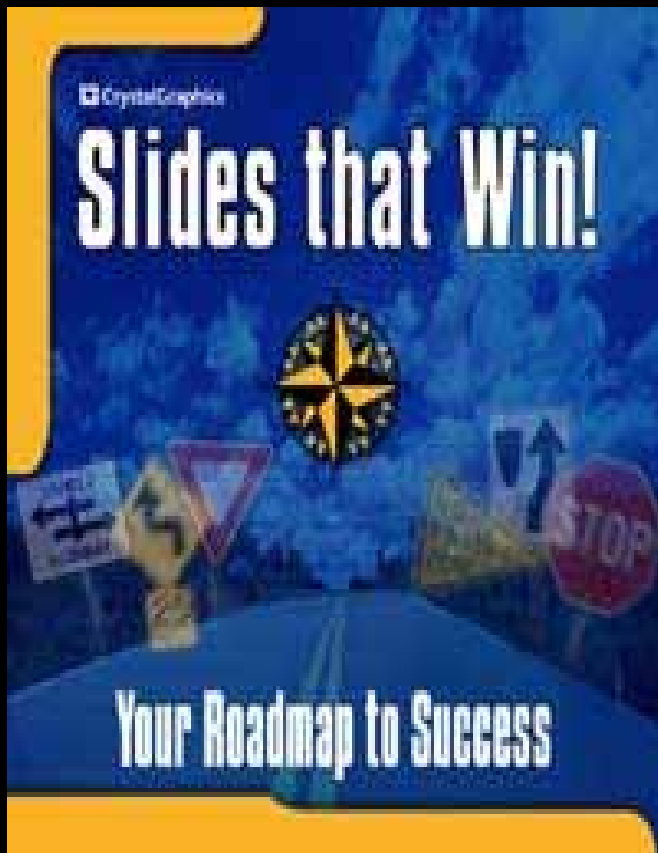


# The ABCs of PowerPoint: Enhancing Its Teaching & Retention Value



Presenters:

**Karen A. Jordan**, *University of Louisville*

**Michael W. Mullane**, *University of Arkansas*

**Slide Design Techniques  
& Innovative Exercises  
can increase the effectiveness  
of using PowerPoint in the  
Law School Classroom.**

PowerPoint used effectively improves a student's ability to absorb, apply & retain knowledge.



Good lectures convey information.



But, students understand and retain information better when it is presented both verbally and visually.

# Power Point Defaults

- Background Design Options
- Layout Options
- Text
  - Outline format
  - Pre-set fonts

*Using default options results in omitting or subordinating important information*

*In addition, default options encourage ineffective use of headline space*

## FRE 404(b)

- “Other acts” evidence
- Bars propensity inference
  - Allows for other purposes
- Disclosure provision

*An assertion headline greatly enhances teaching & retention value.*

# **Evidence Law: Information presented to the jury should be relevant, reliable, & fair.**

**Evidence  
Spring 2008**

**University of Louisville  
School of Law**

**Professor Karen Jordan  
Karen.jordan@louisville.edu**



# Rule 404: Both (a) & (b) prohibit evidence bearing on character → for a propensity inference

Propensity Inference from character evidence barred

a) Evidence of a person's character is not admissible for the purpose of proving action in conformity on a particular occasion therewith, except . . . [exceptions omitted]

Propensity Inference from evidence of other acts barred

b) Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show action in conformity therewith.

Evidence of other acts is admissible for other purposes – subject to 403 & other limitations

*Design Strategy: use an assertion headline and supporting evidence presented in a visual arrangement rather than bullet points*

**Rules 404 & 405 work together in governing the use of character evidence. Rules 608 & 609 must also be consulted.**

**Rule 404 governs admissibility**

**Rule 404**

**(a) Evidence of a person's character or a trait of character is not admissible for [ a propensity purpose], except:**

- (1) Character of accused (pertinent trait).**
- (2) Character of alleged victim (pertinent trait).**
- (3) Character of witness  
(impeachment via evidence of trait of truthfulness).**

**Rules 608 & 609 address admissibility & method when impeaching witnesses.**

**Rule 405**

**In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion.**

**On cross-examination, inquiry is allowable into relevant specific instances of conduct.**

**Rule 405 governs the method – or the type of character evidence**

**Use of instances of conduct is consistent with Rule 608(b).**

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# The exceptions to 404(a)'s ban on a propensity use of Character Evidence -- have significant limitations.

## Rule 404

(a) Evidence of a person's character or a trait of character is not admissible [for purposes of a propensity inference] except:

(1) Character of the accused. In a criminal case, evidence of a pertinent trait of character

offered by the accused,

or by the prosecution to rebut the same,

or if evidence of a trait of character of the alleged victim of the crime is offered by the accused and admitted . . . evidence of the same trait of character of the accused offered by the prosecution

(a)(1) Exception  
Limited To:

**Criminal cases**

**Evidence of the D's character**

**Evidence of a Pertinent Trait**

**No temporal limit on use by the accused**

**Prosecutor's use of evidence depends on the D opening the door.**

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**Banned** → an inference that, on a particular later date, a Party acted in conformity with a prior act or opinion

Opinion

“He has a quick temper”



**Barred**

He reacted Angrily on June 1, 2007

Other Act

“When he learned About it in 2000, he threw a brick through The store window”



**Barred**

He reacted Angrily on June 1, 2007

104(b) applies

Need sufficient Evidence that:

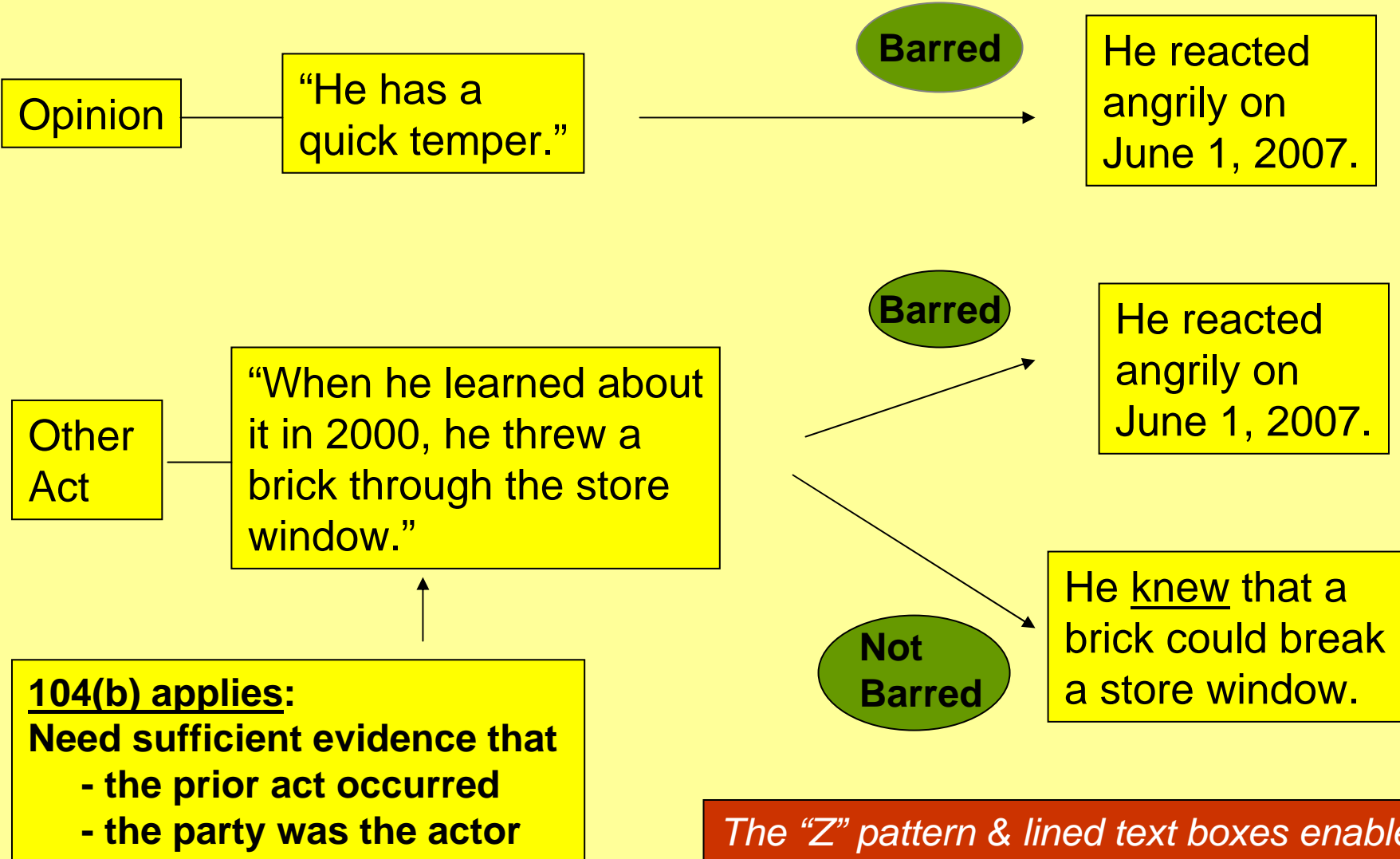
- Act occurred
- That D was actor

**Not Barred**

He knew that A brick could Break a store window

*This diagram could be improved by presenting the information in a “Z” pattern.*

**Banned → inference that, on a particular later date, a party acted in conformity with a prior act or someone's opinion**

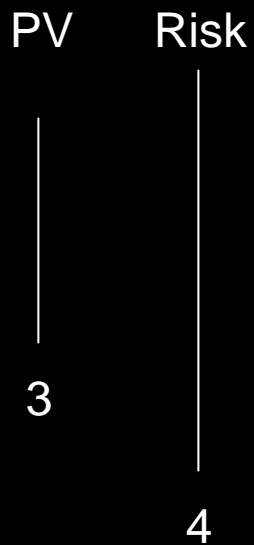


*The "Z" pattern & lined text boxes enable students to quickly absorb the information.*

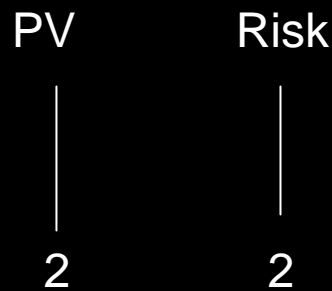
**403 balancing: a Discounted Probative Value makes it more likely that the Probative Value may be substantially outweighed by unfair prejudice**

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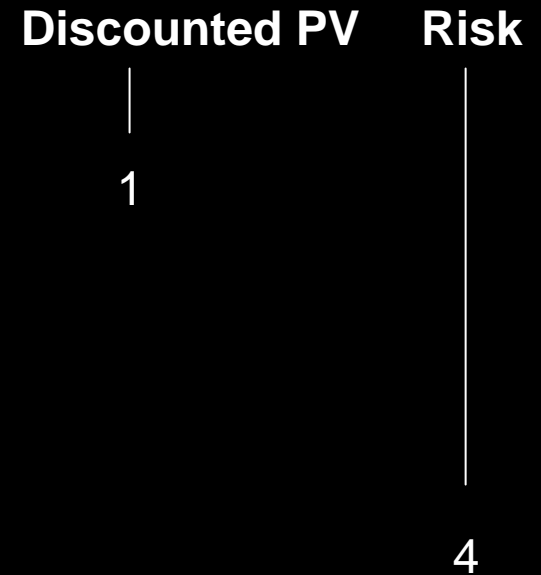
**Challenged Evidence**



**Alternative Evidence**



**Challenged Evidence**



*Some diagrams work well vertically.*

To prove that the victim's body was found, which evidence would the prosecution prefer to use:

Real Evidence

or

Testimonial Evidence?



Q: Officer, can you tell the jury what you found in the ravine?

A: I found human skeletal remains.

↓  
For each – the judge considers:

What is the Probative Value ?

Is any Rule 403 risk present ?

*Use photos if they can make a contribution.*

Using an Assertion Headline will have the greatest positive impact on retention.

Headlines should make an informative assertion.  
Place the headline in the same position (upper left).

Typography is important.

Use 24 – 28 point font for the headline.

**Use bold typeface.**

Arial typeface is generally easy to read.

Avoid times new roman & fancier fonts.

**In the body, present information in a visual way.**



**Use images where possible.**

**Or, meaningful arrangements of text.**



**Use 18 – 24 point font for the body text.  
Limit blocks of text to two lines.**

**Make connections explicit.**

**Slide content should allow at least  
two minutes per slide.**

**Make strategic use of color and contrast.**

**Use plain, monochromatic backgrounds.  
And high contrast color schemes.**

**Light text on dark background works well.**

**Be consistent with background colors,  
and colors of text boxes . . . .**

**or, colors in  
diagrams.**