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WSSFC 2026

Technology Track – Session 5

Dealing with Digital Evidence: From Intake to Courtroom Use

Presented By:

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About the Presenters...

Suann Ingle is one of the country's top visual communication consultants for trial attorneys and litigants. An expert graphic designer, she is also a trusted partner who offers decisive advice on presentation strategy and execution. After thousands of hours in the hot seat in courtrooms and arbitration hearings, Suann remains calm, focused and unflappable regardless of circumstances. This enables her to sense what's coming, and adjust visual communication on the fly to keep judges, juries and arbiters focused on the merits of the case. Since entering the field in 1994, Suann has consulted on a wide range of litigation matters, including intellectual property, white collar, insurance, financial services, employment, and complex business disputes. She has extensive experience in scaling and managing trial support teams and has helped deliver successful outcomes in venues throughout the United States and in Europe. Her visual expertise is grounded in academic study, including a Master of Science degree in Communications Design from Pratt Institute. When she is sketching her ideas, Suann explains the principles behind the sketch – and why they increase the odds of winning. Her personal warmth and empathetic style also enable her to teach, develop and inspire other graphics professionals to embrace the challenges of high-stakes litigation as a career. Prior to entering the field of trial consulting, Suann spent seven years at Coca-Cola in New York where she managed the Creative Services Department. In 1996, she joined TrialGraphix and was instrumental in establishing its New York office. She also spent three years at DecisionQuest, where she assisted legal teams in trial, providing visual solutions to complex, high-stakes cases. Before starting her own firm, Suann worked at FTI Consulting, Inc., leading the New York office of the Trial Services Division.

Catherine La Fleur specializes in civil litigation, family law, alternative dispute resolution, and appellate law. She is a Board Certified Civil Trial Specialist by the NBTA. She was an adjunct professor of law at Marquette for twenty years, teaching litigation-related courses. She is a member of NAMWOLF and WBENC. She was the Wisconsin Bar's Chair of the Litigation Board, served two terms on the Bar's Board of Governors, and was an elected member of the Wisconsin Judicial Council for six years. She also received her mediation training from Harvard Law School's Program of Instruction for Lawyers. In 2014, Ms. La Fleur participated in the Joint Legislative Council's Study Committee on the Transfer of Structured Settlements. She spent six years on the Special Preliminary Review Committee of the Office of Lawyer Regulation. In 2016, she was appointed by Justice Roggensack to a committee formed to study the Office of Lawyer Regulation. Catherine has graded bar exams for the Board of Bar Examiners for over a decade. She served on the Board of the Milwaukee Bar Association as well as the Collaborative Family Law Council of Wisconsin. She is a member of the Fellows Foundation of the State Bar of Wisconsin and the American Bar Association. Ms. La Fleur is past president of the Association of Marquette University Women and the Marquette University National Alumni Association Board. She is past president of the Marquette University Law School's Alumni Association Board. She is a long-time member of Professional Dimensions, having held the position of board member. Her practice involves a substantial amount of appellate work, having argued before Districts I and II Courts of Appeal, resulting in favorable published decisions. She has tried numerous jury trials involving personal injury, product liability, fire, eminent domain, divorce, abuse of process, legal negligence, probate, and real estate misrepresentation. She was an appointed Court Commissioner by the Hon. Janet Protasiewicz. She is a board member of the LPGA Amateurs Golf Association-Milwaukee.

Presence – a vital element to success in the courtroom

Machine learning and other automated technology can now prompt, generate, approximate and sometimes even delight. But it still cannot do the thing trial lawyers, witnesses and trial teams must do in the moments that matter most: be fully present. It is worthy to mention here that Elon Musk recently predicted that within 5-10 years, "there will be nothing that AI won't be able to do better than any human." Later on in the interview he added, "except for being human." July 23, 2026 Economist Insider Interviews Elon Musk

Civil litigation has long rewarded preparation: knowing the record, anticipating adverse strategies, reading the room, presenting evidence through witness testimony and ultimately making the complicated clear. But preparation is not the same as performance. Turns out, the bridge between the two is the increasingly vital skill of thinking on your feet.

Rehearsing for the courtroom can be elusive, given the ever-changing and unpredictable nature of the craft (one example is here: https://www.suanningle.com/wp-content/uploads/2021/10/TheArtofRehearsingForTheCourtroomv3.pdf)

The courtroom has no prompt window

There is a seductive neatness to the idea that if we ask the right question, assemble and arrange the right evidence and/or presentation demonstratives, that the right result will be inevitable. Anyone who has ever tried a case knows better.

A judge or opposing counsel interrupts. A witness blanks. Opposing counsel interrupts in a way that changes the temperature in the room. Technology hiccups. A point that seemed secondary becomes central. The list goes on. In fact, in every trial, something will happen that has never happened. Every trial.

These moments cannot be met with preparation alone. They require judgment, presence, sleep, nourishment and the ability to notice what is *actually* happening – not what the team hoped would happen when the run-through ended.

Thinking on your feet is not winging it

Courtroom agility is the *reward* for preparation. The courtroom advocate who can pivot cleanly and deftly usually knows the material well enough to separate what matters from what merely sounded good in practice. The witness who answers with poise has not memorized a script; they have internalized the essence of their role so that they are able to focus on the point of the question as asked within the limits of their knowledge.

Presence is practical. It allows a trial lawyer to hear the judge's question underneath the judge's words. It allows a witness to pause rather than fill the silence. It allows a whole

team to understand that a demonstrative is no longer helping (or worse having an opposite effect of its intended use) and should be simplified, skipped or brought back later, much the way a flock of birds moves.

Machine assisted learning raises the bar for human judgment

The more AI enters litigation workflows, the more these human skills matter. Technology and machines can help generate ideas, summarize, reframe and accelerate first drafts. But in high-stakes civil litigation, the persistent question has surpassed “Can we create something?” We now have the luxury of asking “Will this help jurors understand what matters, remember it accurately and feel confident returning to it under pressure and in the end, vote in our client’s favor?”

The answer requires context, restraint and judgment. Sometimes the more impressive and successful visual is the less persuasive one. Often the shorter explanation takes longer to build. Sometimes the best use of technology is to support a human moment, not replace it. Circling back to essence of Musk’s quote, AI will never be better at being human, and humanity is at the heart of our jury system.

The pivot can be practiced

Build practice sessions that do more than confirm the plan. Ask uncomfortable follow up questions. The best teams pull in colleagues unrelated to the case at hand, who do this expertly. Rehearse objections. Test demonstratives with colleagues who have not lived with the case for as long as the team has lived with it. Practice a moment or two when things go “sideways” because at some point they will. I once heard Judy Smith speak. She’s the real-life “fixer” behind the American Thriller Series “Scandal.” When asked by an audience member what advice she would give, she offered, “have a plan. Assume something is going to go wrong someday and have a plan.”

The goal is not to predict every courtroom moment. The goal is to prepare so deeply that when the unexpected arrives – and it always does – to meet it with clarity instead of panic.

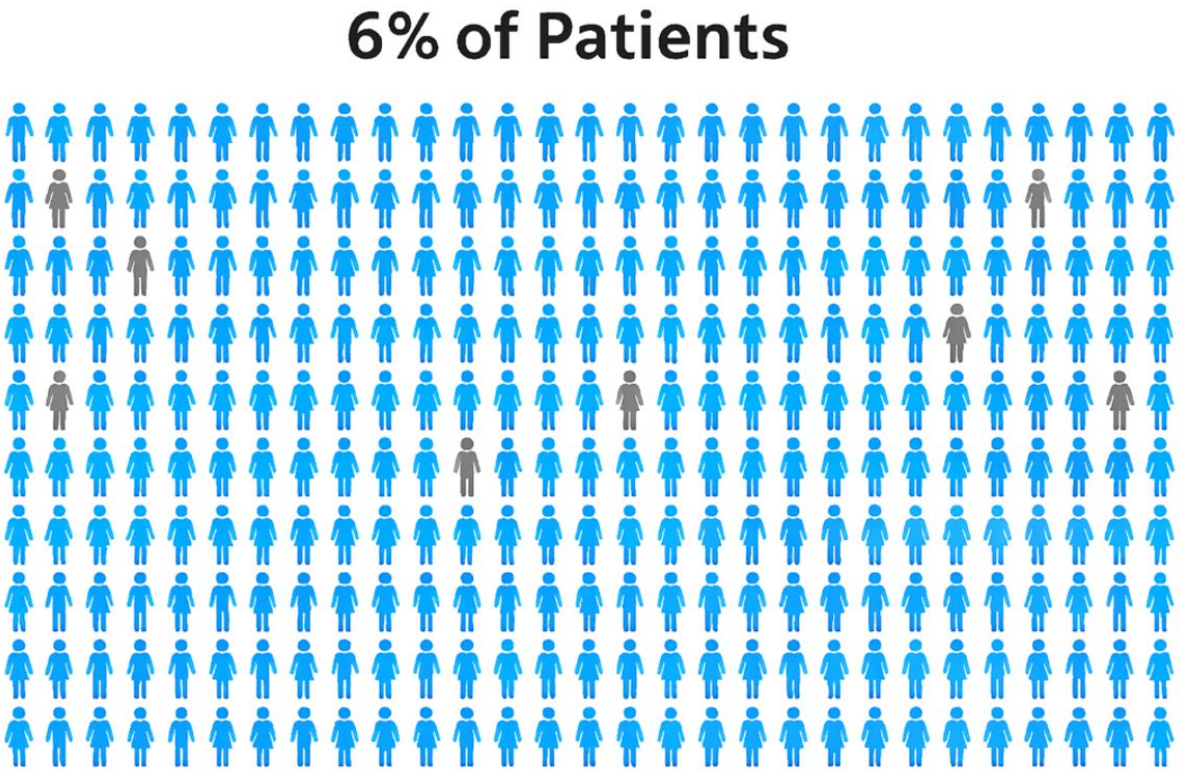
We often talk about helping trial teams see around corners. That still matters, but just as important is seeing what is directly in front of us: the judge’s concern, the witness’s hesitation, the juror’s confusion, the opportunity hidden inside an interruption.

Better tools, smarter prompts and faster ways to create will continue to shape trial preparation. Trial attorneys are well advised to learn them all. But the courtroom will continue to reward the practitioner who can stay awake in the moment, adjust without straying too far from the winning theme and who knows that persuasion is not simply delivered, but also received.

There is a moment in every courtroom presentation when preparation has done all it can do and presence must take the baton. Trial lawyers spend months, sometimes years, learning the record, refining themes, testing demonstratives, preparing witnesses, building outlines, rehearsing openings, editing closings, and anticipating difficult questions.

But the reward of preparation is not the flawless delivery of lines in a play or that nothing unexpected happens. The reward of preparation is that when something unexpected does happen (and it always does), you are still there, not clinging so tightly to your script that you miss what is unfolding in front of you. You are able to listen, notice, adjust, and respond, be human.

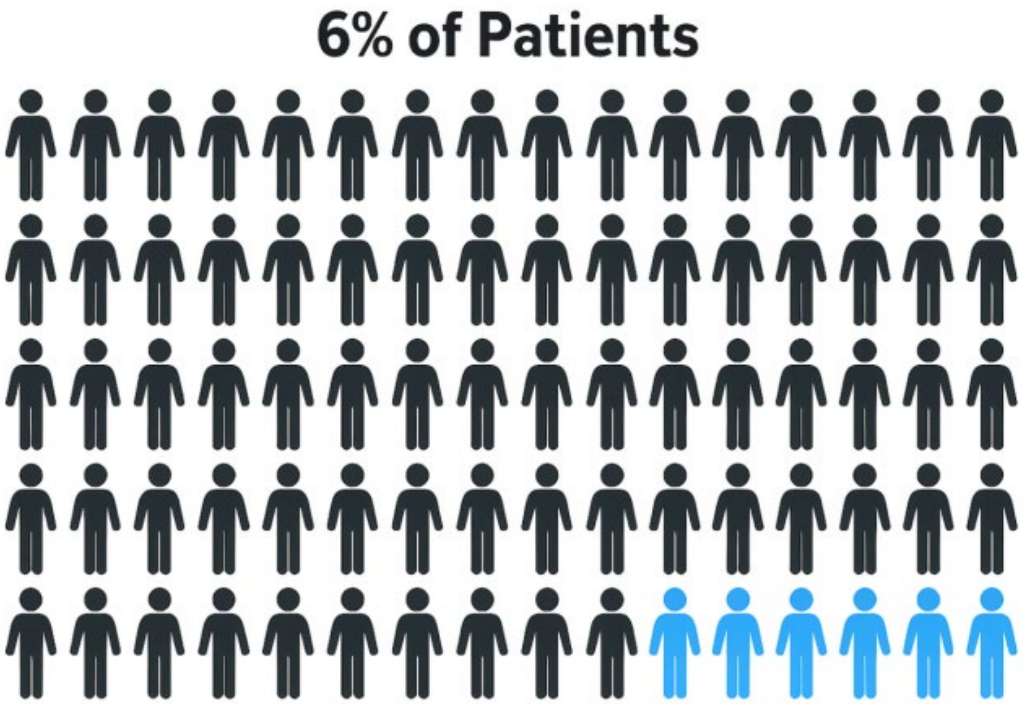
Admittedly, this is easier said than done. In court, the pressure is amplified. Time is compressed. The judge may interrupt. A witness may answer in a way no one predicted or ever heard before. A juror may visibly struggle with a point you thought was obvious (or at least look like she's struggling). A demonstrative may draw attention for a reason that has nothing to do with the point you intended to make. In those moments, trial warriors do not merely perform. They live for them and they stay present.



One recent example remains with me from the 2026 ABA False Claims Act Mock Trial Institute in New Orleans. During an examination, Jack Fernandez, Esq. playing the role of a witness, looked at a graphic being used by the examining attorney played by Chad

Blumenfield and noticed something small but important (see above). The graphic used eight colored icons, which in our haste (after all, it was not a real case), we assumed was 6% of a total patient population.

It did not show six patient icons as originally conceived for a number of reasons. When we first mocked it up (see below), the 6 icons among 100 were actually having the opposite effect as intended: they stood out rather than looked minimus. It was a strategic decision in order to make the 6% *appear* a bit smaller than 6 of 100 (it was actually 8 icons out of 290 because AI has still not mastered math). That observation could have become a detour, or worse, a credibility problem for the advocate using the demonstrative.



Instead, Mr. Blumenfield stayed in the moment. He did not argue with the witness. He did not pretend the point had not been made. He did not let the observation knock him off balance. He eventually came back with, “To be fair, the title says 6%, not 6 patients.”

The response did not overreach. It did not ask the factfinder to ignore what had just been observed. It brought the focus back to the purpose of the graphic: not a literal count of people, but a visual expression of a percentage that was actually more effective than 100 patient icons because showing more patients minimized the 6%, which helped the defense. In one sentence, the lawyer acknowledged the witness’s

point, protected all that went into developing the demonstrative, and kept the examination moving.

That kind of response is not accidental. It grows out of the concept of being deeply prepared and genuinely attentive at the same time. The lawyer knew what the graphic was meant to do. He understood the title mattered. He was listening closely enough to catch the witness's critique, and he had enough command of the material to answer without sounding defensive.

That is thinking on your feet, a skill vital to success in the courtroom.

Suann Ingle, M.S.
October 9, 2026