

Mindmapping: The Ultimate Case and Trial Organization Tool

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Introduction to Mindmapping

Tony Buzan developed the concept of mindmapping in the 1970's. Mindmapping takes as its premise that people process graphical information more efficiently than text. Take the task of traveling to an unknown location. Most people would find it much easier to grasp the process of reaching the destination by examining a map than by reading a series of instructions. Buzan attributes the ready assimilation of graphical information to the way the brain organizes information.

Our memories are stored in a network of associations, grouped by proximity. When we learn a new fact or skill it is not written on a clean sheet of paper, but rather overlaid on pre-existing similar stores of information. That is why it is often easier to learn additional elements in a field already mastered.

The key element is that the brain does not organize information in a linear fashion, one element after another, but rather clumps similar information together with new ideas building on the old. This system places great emphasis on the relationships between ideas, which is wholly lacking in paper and pencil systems. Mindmapping overcomes this deficiency by allowing a visual representation of the relationships between ideas and easy navigation among ideas.

Daily life abounds with examples of the power of visual representation of ideas. Newspapers and magazines are filled with charts, diagrams and illustrations of key ideas in the stories. Textbooks likewise rely heavily on visual communication to explain complex concepts. These proven techniques can add great power to the lawyer's toolbox as well.

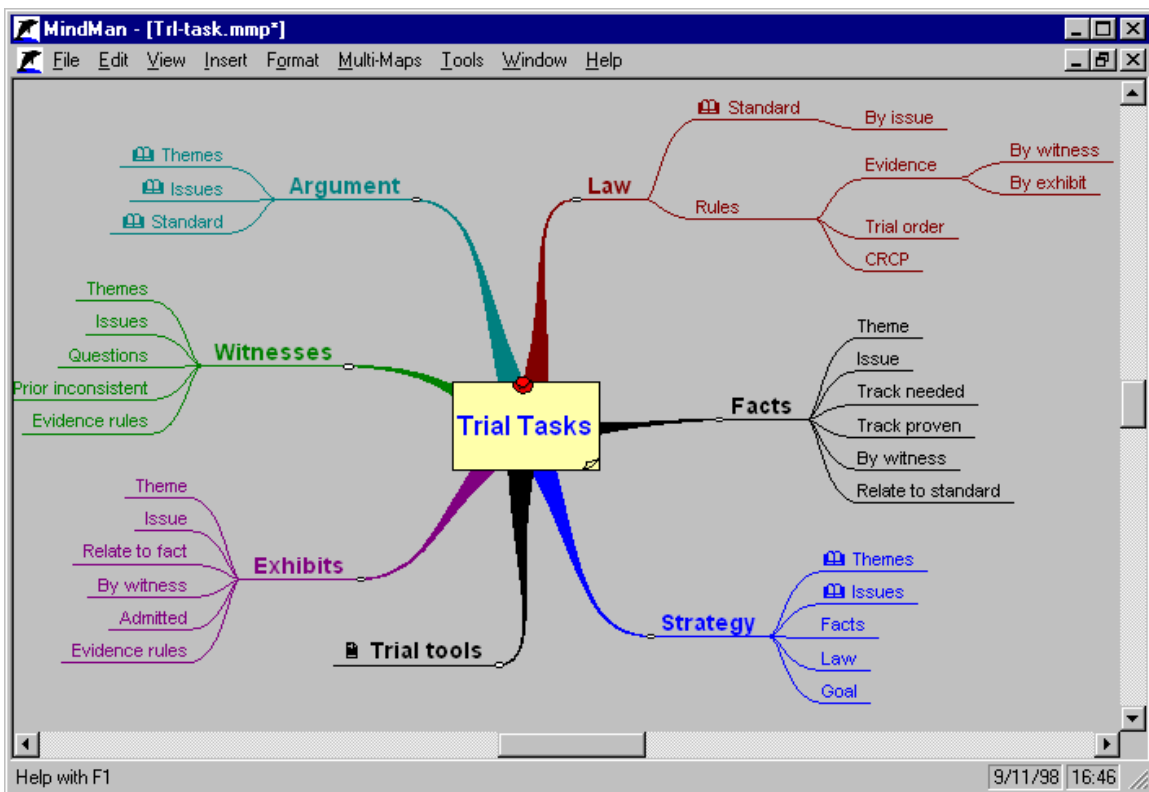
Mindmapping was invented before personal computers existed and was therefore originally a paper and pencil exercise. Even in that format, mindmapping can be a useful tool for organizing and understanding ideas. We often use paper mindmaps in meetings to understand and clarify issues.

Mindmapping is functionally simple, but can be conceptually hard. Drawing the lines, arrows and text is a simple process that a child could do. Figuring out where to put the lines and which text to include can be a challenge for those trained to think linearly—which is almost everyone. A good way to get immersed in the idea and practice of mindmapping is to read some of the writing of the master himself, Tony Buzan. The classics of mindmapping are *The Mind Map Book: How to Use Radiant Thinking to Maximize Your Brain's Untapped Potential* and *Use Both Sides of Your Brain*. Or you can check out the mindmapping resources on the web starting at

<http://www.ozemail.com.au/~caveman/Creative/index2.html>. If mindmapping is a thinking and learning style that works for you, progress will come quite quickly and make analysis of difficult and complex issues easier and more enjoyable.

The problem with paper and pencil mindmapping is that it is unduly labor-intensive for complex projects because of the effort involved in reorganizing and adding new material as a complicated structure evolves. Particularly in legal work, we are constantly finding new facts, theories and arguments that need to be integrated into our vision of the case.

This is a perfect problem for a computer solution because of the inherent ability of the computer to create the maps in easily modifiable silicon memory rather than paper. With a computer mindmap the first effort is simply the beginning of multiple iterations that incrementally refine and expand the concepts until the map reflects the clearest and best thinking of the creator.



The mindmap above was created with Mindmanager, an easy and versatile mindmapping tool available on the web. The software is quite easy to use and most people who are familiar with Windows interface conventions will be creating and modifying mindmaps in less than an hour. There are additional capabilities that are impossible on paper (hyperlinking, submaps, attached text) that will take a little longer to explore. Overall this is a program that even a computer novice will be able to master with ease.

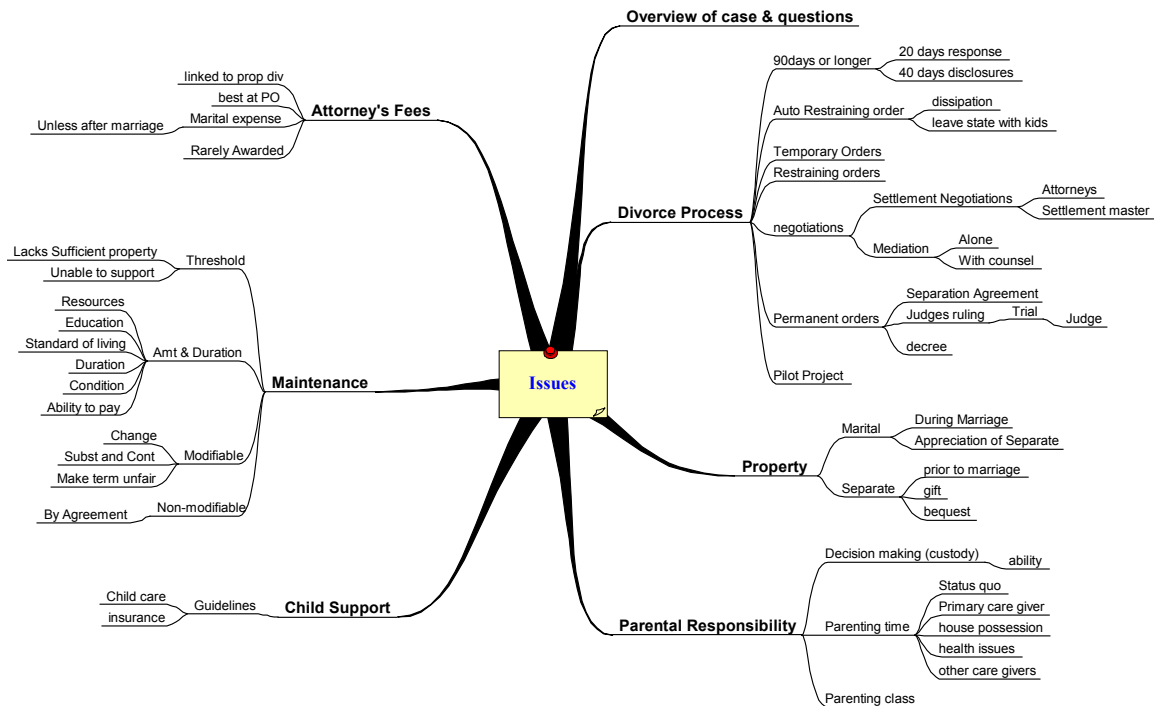
Once you have mastered the basics of mindmapping, you will be amazed at how effectively you can handle even very complex sets of ideas. Our office uses mindmaps for organizing everything from initial client meetings to complex trials with all of the direct and cross-examinations and arguments based solely on mindmaps on the computer.

Law Office Applications

When can you use a mindmap in the law office. Any time you pick up a pen and paper or sit down at the computer. Mindmapping can be used to record, organize, display and print all the information you need to stay on top of your cases.

Example: The Initial Client Meeting

Because our client intake process gathers information about the client's needs prior to the initial meeting with the client, we have a pretty good idea of the issues that will need to be dealt with when with sit down with the client. To most effectively use this valuable time, and to present an organized and knowledgeable approach to the client, we often prepare a mindmap of the issues. The mindmap allows us to track the issues that have been dealt with at a glance, check them off, and get to the remaining tasks. We often add additional items to the mindmap by hand during the meeting as additional points come up so that the mindmap can serve as a visual record of the key points of the meeting.



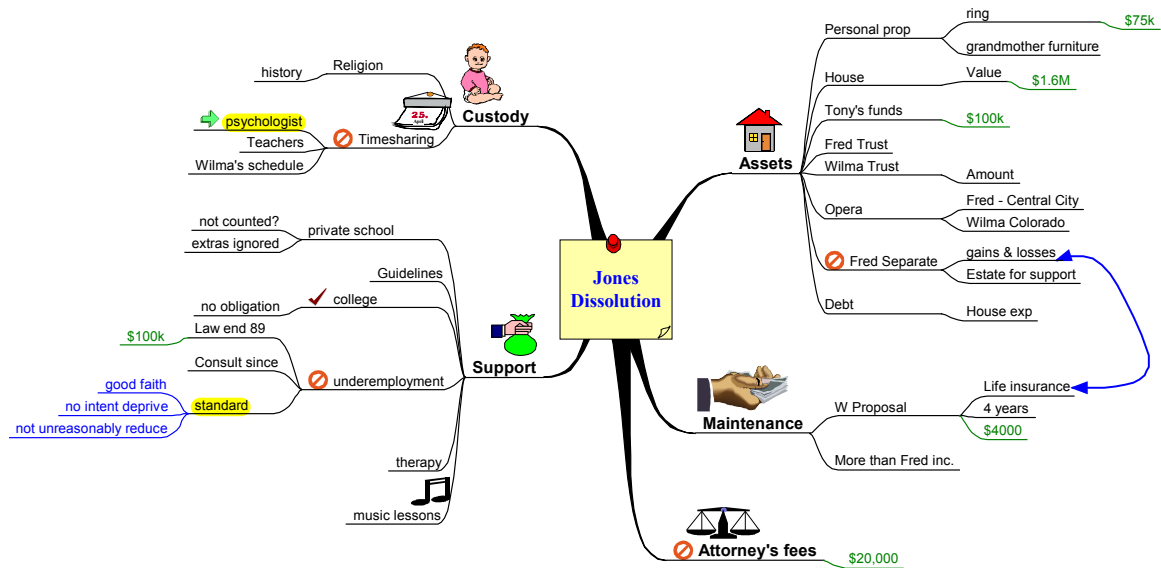
Example: Case Analysis

At some point in the case—preferably early on—it is essential for the attorney to get a grasp of the big picture of the case: what's involved, what are we fighting about, where do we go from here. A mindmap is a perfect vehicle for the big picture. First of all, it is a picture, with some key words thrown in, which makes it easy to grasp the relation of the

parts to the whole. That same graphical quality, combined with the easy drag and drop software interface, allows for moving and reorganizing the map almost as fast as you can think.

The next time you need to get up to speed on the case, or add or change facts, ideas or strategies, the mindmap gets the information into your brain almost instantly, much faster than wading through printed paragraphs or handwritten notes.

Take the map into a meeting and you will never lose the forest for the trees or forget important items. They're all there in an easy to see structure that naturally guides you through the process.



Example: Settlement Proposal

When it comes time to make a proposal, a mindmap can quickly and easily lay out the issues and options. Here is an important point. You don't have to start from scratch. You can go back to your case analysis mindmap which will undoubtedly have a section devoted to the assets and other issues in the case. You can easily copy that section and drop it into your settlement proposal map with a few mouse clicks. Then drag and drop individual assets onto branches for husband and wife and you're well on your way to mapping out your proposal.

When the proposal has all the elements, you may want to put it into a word processing documents (not everyone does everything in mindmaps.) It is a simple process to export your finished map into Word which will then have all your mindmap elements nicely organized into headings in an outline, ready to have additional text inserted.

Example: Trial Preparation

Opening

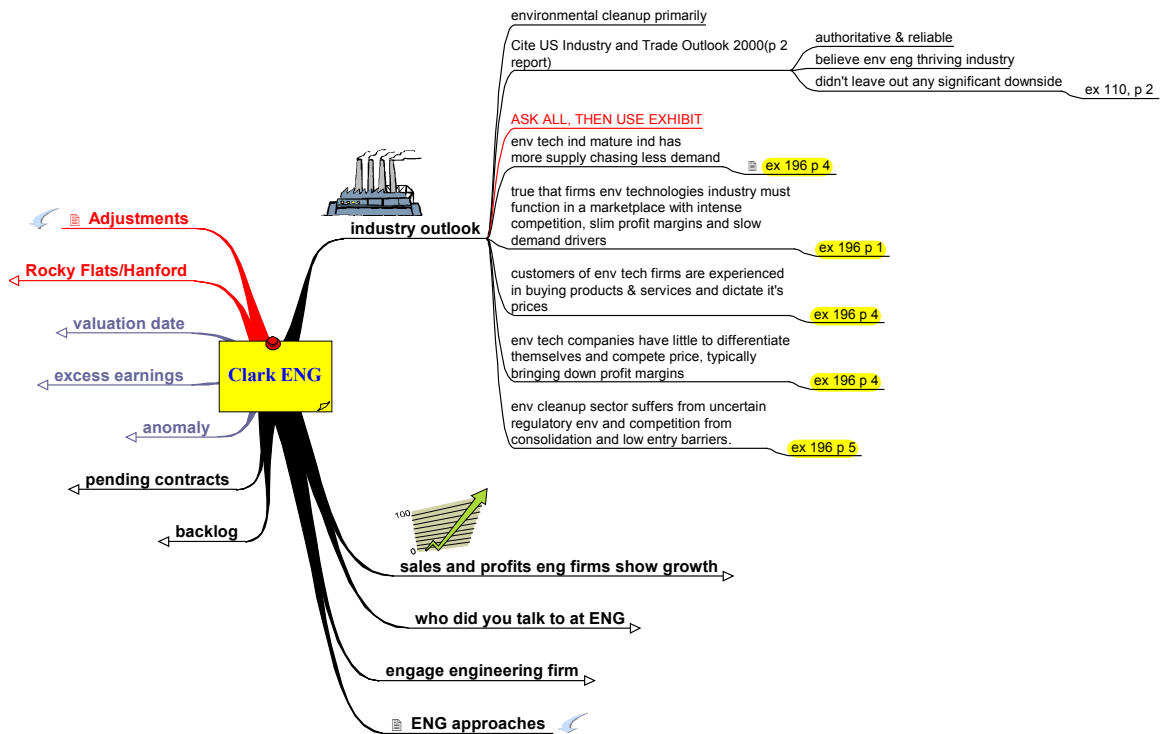
Opening statements should be a relaxed and informative conversation with the trier of fact. Nothing interferes with that conversational rapport more than being tied to a detailed text presentation. A mindmap provides the best of both worlds by giving you a route

through the issues to be discussed that can be navigated with an occasional glance, without the dulling effect of reading from a prepared text. As an added benefit, it's easy to add elements to your map while listening to opposing counsel.

Direct and Cross Examination

Examining a witness is like following a path through an uncharted wilderness. You may have a general idea of where you're going but there will always be surprises along the way. If you have laid out your examination in a detailed text, it is very easy to get flustered when the witness doesn't give the answer expected.

By using a mindmap, you can chart the waypoints that must be touched during the examination, but be free to alter the course through the material without fear of forgetting an important point. Once the detour from your plan is completed, it is a simple matter to get back to the remaining points to be made with the witness.



Closing Argument

Using a mindmap for closing argument brings all the benefits listed in the opening argument section, plus the ability to continuously adapt your closing during the trial. You can, and probably should have much of your closing prepared before the start of the trial. However, no trial plan survives contact with the enemy and there will invariably be surprising twists and turns. Adding to or adapting a prepared text of your closing during the rigors of trial is difficult and often produces a mishmash of cross-outs and changes that are impossible to follow. By contrast, the ease with which you can add to and change

your mindmap makes it so versatile that you can produce a clear and concise map of your closing argument even under the adverse conditions of trial.