Becoming a Mind-Mapping Jedi
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Litigators and transactional attorneys alike are finding mind mapping software an incredibly useful new tool. By graphically organizing notes, this software allows for a visual and creative way to record ideas and information.

The Idea of the Jedi

“Strong is Vader. Mind what you have learned. Save you it can.”
(Yoda)

What is a Jedi? In George Lucas's fictional Star Wars series, the Jedi were members of a knightly order who harnessed the mystical power of The Force (a universal life force surrounding all things). Besides training in the ways of The Force, the Jedi trained their minds toward non-attachment to outcomes, and outward and inward serenity. So, besides having their command of The Force, Jedi had the ability to operate competently and calmly in inherently stressful situations such as apocalyptic battles of good vs. evil (which can be, let’s face it, pretty stressful).

In popular usage, the word “Jedi” has come to mean someone who is able to operate at a higher level, without losing his or her cool. A modern-day Jedi has command of something that not everyone possesses.

And whenever we think of Jedi, our visual images and auditory memory undoubtedly include a "snapphiss" and a focused, controlled and luminous weapon which render them virtually unbeatable. The authors suggest that a mind-mapping tool, with proper training, is that sort of weapon for a litigator and tool for any counselor.

What is Mind-Mapping?

Before we get too mystical (or geeky) let’s talk about Mind-Mapping. And before we talk about what Mind-Mapping is, let’s review what it’s NOT.

Perhaps because of its name, Mind-Mapping is sometimes thought of as some kind of metaphysical practice, like Phrenology. However, Mapping is anything but weird or impractical. If you still find yourself mentally resisting this concept, watch a simple map get built from scratch. We are all visual learners and mapping is a visual tool. You will be converted to the "light side".

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A Mind Map is simply a diagram used to visualize information. In other words, it is a way to create a visual display of information. Humans are heavily biased toward the visual sense.

Having established that Mind-Mapping is not weird, and that it works because it leverages the way our brains are already wired, let's now talk about what kind of diagram a Mind-Map is. Here is one definition:

**mind map:** a diagram used to represent words, ideas, tasks, or other items linked to and arranged around a central key word or idea. Mind maps are used to generate, visualize, structure, and classify ideas, and as an aid in study, organization, problem solving, decision making, and writing. - Wikipedia

If that definition is too dense for you, try this:
The Advantages of Mapping

One of the great advantages of Mapping, as seen from the above example, is that it allows you to break out the components of – and show you – the content of linear text. It can help you extract relationships otherwise unseen from databases. Visualizing information in map form gives you:

1) Better understanding of your case or matter;
2) Increased ability to recall information;
3) Improved ability to communicate to decision makers

What Lawyers Really Do

The above advantages tie directly into what it is that lawyers are really trying to DO for our clients. Whether we represent them in negotiating a contract, compliance issues, or litigation, we seek one thing: a favorable outcome. And our success at making this happen depends mastering the following skills:

1. Collecting as much relevant information as possible;
2. Organizing that information (what helps, what hurts, what matters, what doesn’t); and
3. Presenting that information in the most compelling manner possible.

Most of us are actually pretty good at these skills (we got through law school after all). But we are terrible at integrating them. The information we collect goes different places. We have to compile it and re-read it to organize it properly, and then we go through the entire process again when it is time to present it. We change tools several times during the journey, and often find ourselves entering the same information multiple times.

So what does software Mapping do for our three core skills?

Collecting

First, a software based map provides a single "container" in which to collect all case information (witnesses, legal research, legal claims and elements, documents, theories, arguments, etc.). This approach ensures that the cardinal rule of information management (don’t lose the information!) is obeyed, and can later be found in one giant (and searchable) page.
Next, mapping allows us to organize what we've collected. A lawyer may not know where new information fits into his case. As information accrues, though, patterns and meaning start to emerge.

A witness’s statement begins to make sense in light of the information around it. Since mapping software allows nodes or “bits” of information to be dragged around and attached to other information, the process of building a case becomes like putting together a jigsaw puzzle. The database capabilities of the software then allow that information be tagged, sorted, and filtered in different ways (e.g., filtered to show only that which “Witness A” knows regarding the issue of “Design Defect.”) Little by little, the lawyer can actually see his case being built.

Presenting

The map is the vehicle for presenting. Presentation is where the rubber meets the road for trial lawyers. Lawyers deliver statements, present witnesses, and argue motions. Of course, Lawyers can (and do) go on and on explaining their cases to the jury: “We have sued the Defendant for negligence. Negligence has four elements, duty, breach, proximate cause, and damages. A legal duty is defined as….blah, blah, yada yada.”

Or, the lawyer can simply show the jury:
Even better, make it more visual by adding pictures, etc.:

Maps let the lawyer do more than just tell the decision maker about his case: now he can SHOW them. Chances are they will remember the visual better anyway, since studies show that most people learn visually (which do you recall better, the opening lines of "War & Peace" or the "Mona Lisa")?

Recall

The advantages of visual recall don’t just apply to the decision maker to whom you are presenting, but to yourself as well. Maps improve recall. Lawyers work on cases in "fits and starts." The reality of trial practice is that rarely does a lawyer have time to devote uninterrupted hours to one case. Since work on a case may be interrupted by long periods of time attending to other matters, getting back up to speed quickly when returning to the case is critical. Having to re-read pages of notes is inefficient. In contrast, the visual format of a mind map brings almost instant recall of the relevant facts, parties, and issues, similar to the recognition that occurs when looking at a familiar picture or painting.

With these advantages catalogued, let’s now turn to three big Jedi Mind (Mapping) Tricks:
Mind Trick 1: Brainstorming

Mapping invites you to brainstorm freely. A blank map is an endless whiteboard allowing you to add anything (person, place, picture, document, unresolved question, bit of information, etc. etc.) that might relate to your case.

Some mapping programs, such as MindJet MindManager have a dedicated “Brainstorm” mode. But you don’t need to use it. Just create a new topic that is not hooked up to any other topic (usually called a “floating” topic) and then hit enter. The next one will be floating too. Soon, you will have what looks like a board full of index cards. Start moving them around, figuring out how the pieces fit together. See what you’ve got.

The difference between a software map and a whiteboard is, of course, that in the software you can simply drag your idea to wherever you think it might go. This allows you to group and sort information in blindingly quick fashion. Further, the process of “moving things around” gives a kind of tactile dimension to the process of organization. It starts to feel like you are assembling a model, putting together a puzzle or physically “building” your case. Heck, sometimes it even starts to be fun.
Mind Trick 2: Sorting and Filtering

Creating maps and moving things around is Padawan stuff. You will pick it up in a few minutes. The real power of a map, and one of the main things that differentiates it from a roll of butcher paper is this (and if you get one thing out of this material, this is it) --- THE MAP IS REALLY A DATABASE. That’s right, under the skin, most of the software offerings are actually databases that are every bit as powerful as FileMaker or Access.

What does this mean? This means that in most software platforms, the qualities you give to the map (text, colors, tags, icons, etc.) become searchable and filterable. Let’s see what we mean by another example.

Here we have a set of facts that pertain to a case involving a water leak at a condominium. For each potential witness, we have created a Text Tag (the yellow box). We place these Text Tags on facts about which that witness may testify. This map also contains Icons (in this case, a question mark icon). We use this to keep track of open questions about the case that we need to answer.
Now let's see how we might filter (click the “Funnel” icon) the facts to only show those on which the plumber, Bill Robins, could testify:
We can also apply a filter to show our “open questions.” (shown in MindJet MindManager)

Even More Powerful - Dynamic Indexing

One VERY helpful feature found in MindManager is the fact that it has the ability to filter ALL icons, tags and other properties SIMULTANEOUSLY and display that indexing in a separate window.
As you can see, the program is taking each Text Tag and Icon found in the map, and grouping underneath it (in alphanumerical order) all topics on which that Tag or Icon appears. So, while the map is showing the “big picture” of the entire case, at the same time we can see “who knows what.” These groups, incidentally, are “dynamic” in that they are constantly updated whenever a new topic is added and Tagged or Icon’d.
Mind Trick 3: Mobility

To be honest, mind-mapping software has so much potential that we are still figuring out new ways to use it. So there is no “final” level. That said, here briefly are a few of the more advanced techniques for the aspiring mapping Jedi:

iPad /iPhone/Android Dropbox integration. There are some excellent mapping apps available for mobile devices. MindJet has a free App which will read MindManager files. The app is available for both iOS and Android devices. One of our favorite mobile Apps is iThoughts HD. While not free, iThoughts has a beautiful interface and, importantly, the ability to read map files from virtually any desktop mapping software product.

You can also use Dropbox’s “sharing” feature to allow others to access and modify (or just view) your maps. This is a free (and easy) way to collaborate on maps. Several software mapping products also offer proprietary cloud collaboration.

The flow of creative mapping is greatly enhanced by integration with voice recognition software such as Dragon Naturally Speaking. Brain storming sessions are no longer tied to keyboards, maintaining focus on the creative process, not the administrative.

Mind Trick 4: Integration into Trial Presentation

One final (and extremely slick) Jedi Mind Trick is this one: you can save a map as a local .html (basically a locally stored web page) or an Adobe Flash (.swf) file and incorporate that into your trial presentation (note that the latter will not work on an iOS device, which cannot handle Flash).

Most kinds of trial presentation software can handle one of these two formats. This means that you can add a map (which you can navigate through, open, close, and highlight) into your trial presentation, mixing it with your other documents, exhibits, and slides, etc. (Shown below in Exhibit View 4.2 Trial Presentation Software)
As discussed above, showing your decision maker a map (e.g., with all of the elements of a negligence claim succinctly shown) is a huge help in explaining your case – and why you deserve to win. And opening each “element” and diving into the proof on the fly is just plain cool.

**Conclusion**

MindMapping (like The Force itself) is indeed powerful. Like a light saber, it is the ultimate weapon for cutting through the chaos of litigation. As with a light saber, though, much practice you will need. If you persist, however, you will have a command over cases that few others possess.

“This is the weapon of a Jedi Knight.
Not as clumsy or random as a blaster; an elegant weapon for a more civilized age.”

Obi-Wan
Software Resources (by no means exhaustive)

MindJet Mindmanager  www.mindjet.com
Mindmeister  www.mindmeister.com
MindGenius  www.mindgenius.com
The Brain  www.thebrain.com
iThoughts HD  iTunes Store
MindJet for iPad  iTunes Store
iMindMap  www.thinkbuzan.com
Matchware Mindview  www.matchware.com

Dave Maxfield is a trial lawyer who devotes the majority of his practice to representing clients in disputes with credit reporting agencies, banks, insurers, and securities brokers and dealers. Dave is a member of the AAJ, the National Association of Consumer Advocates (NACA), the Public I
vestors Arbitration Bar Association (PIABA), and is the two-time Chairman of the South Carolina Bar’s Consumer Law section. Dave has been an avid proponent of Visual Information Management and Mind-Mapping technology for several years, and has taught mapping techniques to law students and faculty at Harvard Law School, the University of Colorado, The College of William & Mary, and UCLA. He writes and presents frequently on Visual Information technology uses for professional groups and state bar associations, and was a presenter at ABA’s 25th Anniversary TECHSHOW in 2011.

Richard Serpe represents victims of toxic torts and environmental contamination. He has successfully tried lawsuits in state and federal courts, and resolved cases for victims across the country. Mr. Serpe also represents the victims of brain damage from toxic and traumatic injuries and represents clients under the Jones Act and under the general maritime law. Mr. Serpe is frequently associated in complex litigation, managing cases with difficult scientific and medical issues. He has experience managing large case cohorts, including the extensive use of database and litigation support software. He is listed in The Best Lawyers in America®, and has received an AV rating from Martindale-Hubbell law directory and has been named a "Super Lawyer" by Virginia Super Lawyers Magazine. Mr. Serpe is admitted to practice in Virginia, Texas, and Louisiana. Mr. Serpe is a frequent lecturer, speaking nationally on technology, environmental law, and personal injury law. Mr. Serpe serves on the Board of Directors for a grass roots environmental organization, Lynnhaven River Now (www.LRNOW.org).