



Why Federal Rule 107 Matters for Your Trial Presentations

By Michelle Cooper, JD, Trial Consultant

Take a moment, close your eyes, and imagine this:

You have just been selected to serve on a jury. You begrudgingly enter the courtroom, take your seat in the jury box, and begin watching the persuasive battle unfold. Both sides tell their stories for what feels like an eternity to a layperson unfamiliar with the subject matter. You are suddenly barraged with novel terminology; hundreds of seemingly unrelated dates, times, and facts; complex scientific models; and confusing characters. On top of this, you have nothing to look at—nothing to help you track, organize, and sort through the details, understand how things fit or relate, remember who is who, and determine why any of it matters.

This is why it is important to use visual aids in the courtroom. Having seen two sides of the courtroom, from arguing cases to designing visual aids, I can tell you one thing with certainty: how you present evidence can make or break your case.

Federal Rule 107 is a game-changer because it draws a crucial line between *illustrative aids* and *demonstrative evidence*. Understanding this distinction is not just academic but also practical. It affects how you prepare your materials, argue objections, and keep the jury focused on what really matters. (See Fed. R. Evid. 107 Advisory Committee Notes, 2023)

The Evolution of Federal Rule 107

As a former lawyer turned trial consultant, I have seen how demonstrative evidence often becomes a flashpoint of lawyer-driven debate well before opening statements. For decades, courts wrestled with how to treat visual materials—timelines, charts, animations, etc.—without

a consistent framework. Judges generally relied on broad trial-management and fairness principles, leaving attorneys uncertain whether a visual would be treated as evidence or merely as a helpful aid.

Maine's Role as a Model

Maine played an immense role in shedding light on this area. Long before the federal rules addressed the issue directly, Maine adopted a stand-alone rule, Maine Rule of Evidence 616, specifically governing illustrative aids. At the time, this was distinct from how most jurisdictions handled visuals, where lawyers were left arguing in real time under general trial-management standards and prejudice rules, with little predictability about how a judge might rule.

Rule 616 gave practitioners something they had long lacked: a clear, practical framework for using illustrative aids at trial. The rule explicitly recognizes that these materials are not evidence themselves, but tools to help explain testimony or admitted exhibits. In practice, this allowed attorneys to develop timelines, charts, and graphics with greater confidence about how they would be treated by the court, while also giving opposing counsel a defined basis for challenging aids that overstated, distorted, or selectively emphasized the evidence. Judges, in turn, could focus less on abstract admissibility debates and more on whether the visual fairly reflected the record and assisted the jury without misleading it.



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From a trial-management perspective, Rule 616 reduced surprises. Lawyers knew that illustrative aids had to track the evidence and could be limited or excluded if they crossed the line into advocacy masked as proof. That clarity made it easier to negotiate disclosures, resolve objections before the jury ever saw the visual, and avoid appellate issues stemming from an unclear record.

Maine's experience showed that a dedicated illustrative-aid rule was not only workable, but helpful. It demonstrated that visuals could be embraced as effective advocacy tools without blurring the line between explanation and evidence—a lesson that later informed how the federal system approached the issue.

Resolving Long-Standing Confusion

That influence culminated in the adoption of Federal Rule of Evidence 107, which squarely addresses illustrative aids. Rule 107 reflects the reality of modern trial practice: visuals are

indispensable tools for helping jurors understand complex facts, yet they are distinct from exhibits offered for their substantive truth. By separating illustrative aids from substantive evidence, the rule resolves long-standing uncertainty about how these materials should be treated in court.

Confusion often arose because illustrative aids were mistakenly lumped together with summaries admitted under Rule 1006. The difference is significant. Rule 1006 applies when underlying evidence is so voluminous that a summary is admitted as substantive evidence in its own right, typically after extensive pretrial disclosure.

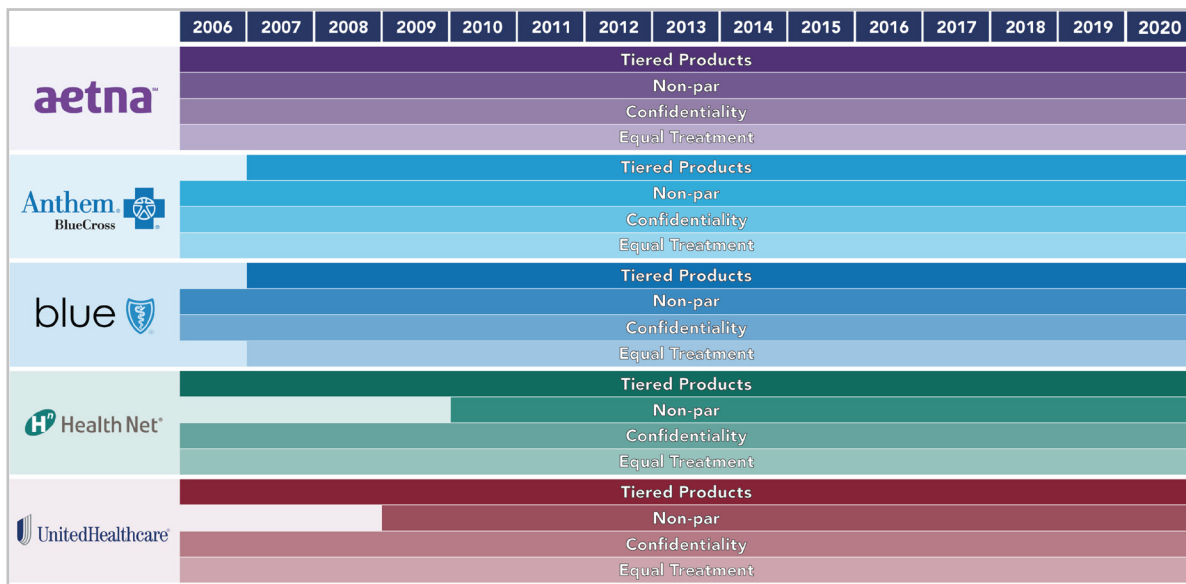


Figure 1

This horizontal chart with a timeline displays different healthcare insurance providers along the vertical axis, while each bar stretches across the horizontal axis to show the time periods when a healthcare provider implemented different initiatives, like tiered products. It served as a Rule 1006 exhibit because it condensed extensive underlying contracts, comprised of thousands of pages, into a single, easy-to-read visual summary that helped the fact-finder quickly understand patterns and timing without reviewing every individual contract.

Illustrative aids under Rule 107, by contrast, are explanatory tools—such as timelines, diagrams, or animations—that assist the jury’s understanding but do not replace underlying evidence. As a result, they usually follow a more flexible exchange process, often disclosed shortly before use at trial rather than months in advance.

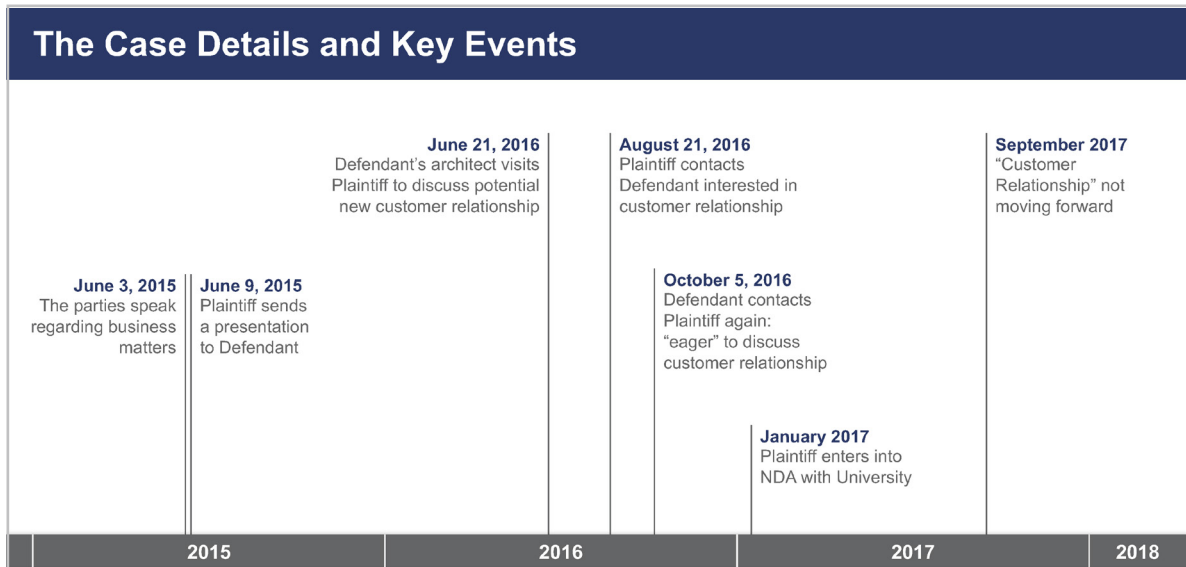


Figure 2

This timeline presents the sequence of business decisions and actions between two parties using dated entries arranged chronologically, with neutral wording and a clean layout that reflects the underlying records without commentary or emphasis. Prepared as a non-argumentative summary of key events, it may be suitable for use in the jury room under Rule 107 because it aids the jury in understanding the timing and progression of events without adding interpretation beyond the evidence.

Before Rule 107, this distinction was inconsistently applied, leading to mid-trial disputes and unpredictable rulings. However, after the introduction of Rule 107, courts, including the D.C. Circuit in *United States v. Science Applications International Corp.*, recognized the conceptual divide between substantive evidence and explanatory visuals and the importance of potentially allowing the latter into the deliberation room.

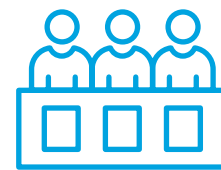
What Federal Rule 107 Says and Means

The newly adopted Rule 107 reads: "Illustrative aids used solely to assist the jury in understanding testimony are not subject to the rules governing admissibility of evidence and shall not be considered admitted into evidence" (Fed. R. Evid. 107, 2023). This concise language provides important procedural clarity. The rule codifies what many trial lawyers had already practiced informally—that visuals used purely to explain or clarify a witness's testimony need not be admitted into evidence and are not governed by the same admissibility requirements as other exhibits. This stands in contrast to, for example, Rule 1006 summaries, which must meet criteria for admissibility and often require supporting documentation or testimony to establish their accuracy and necessity. The 2023 amendment to Rule 1006 further emphasizes this distinction, explaining that summaries admitted under that rule serve as evidence, while illustrative aids under Rule 107 do not (Fed. R. Evid. 1006, 2023).

But in some cases, it can be to the jurors' benefit (and your client's) to admit illustrative aids into the jury deliberation room. So, how can we strive to do that? Attorneys and their strategy consultants have to focus on convincing the court what is "just and practicable" for Rule 107 to govern. Specifically, the rule provides that an illustrative aid "must not be provided to the jury during deliberations unless: (1) all parties consent; or (2) the court, for good cause, orders otherwise." (Fed. R. Evid. 107(b)). Practically speaking, this means that charts, diagrams, and animations can be shown to the jury without prolonged evidentiary hearings—so long as they're clearly presented as tools for understanding, not as standalone evidence. For trial teams, this shift allows for greater efficiency and clarity in presenting complex testimony. However, the rule also requires attorneys to be disciplined in how these visuals are introduced and referenced during proceedings, so as not to confuse the jury or blur the evidentiary lines.

How Courts Are Using Federal Rule 107

Although the application of Rule 107 is still in its infancy, its practical implications are already being felt in the courtroom. Courts have begun integrating Rule 107 into both trial and appellate practice, largely treating it as a codification of existing standards while clarifying terminology and procedures.



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The Sixth Circuit in *United States v. Baskerville*, 164 F.4th 459 (6th Cir. 2026), observed that although Rule 107 now expressly governs "illustrative aids," the governing standard remains materially the same as prior practice. Another recent case, *Roland v. inMusic Brands, Inc.*, 2023-1327, 2023-1401, 2023-1564 (Fed. Cir. Mar 27, 2025), consisted of an infringement claim in which a chart was mistakenly sent into the jury room, an illustrative aid not admitted into evidence. InMusic Brands was unable to show they were prejudiced by the admission of the illustrative aid, as it was substantively and materially the same as already admitted evidence. This validates the advantages of the new rule.

At the district court level, courts have actively applied Rule 107's Rule 403-like balancing test. In *Williams v. Tregre*, 2025 WL 1902294 (E.D. La. 2025), the court permitted a video animation as an illustrative aid, emphasizing proper foundation and cautionary instructions, while in *Automated Management Systems, Inc. v. Rappaport Hertz Cherson Rosenthal, P.C.*, 2024 WL 4987018 (S.D.N.Y. 2024), the court carefully distinguished Rule 107 illustrative aids from Rule 1006 summary evidence and applied the new framework to regulate non-evidentiary charts.

In *Science Applications*, the court underscored the importance of distinguishing between demonstratives that are evidence and those used merely for explanation (626 F.3d at 1263). It effectively highlighted the confusion that can arise when the record fails to reflect whether a visual aid was admitted or merely used illustratively.

This emphasis on transparency and fairness reflects the underlying goals of Rule 107: to foster efficient communication without undermining the integrity of the trial process. Together, these decisions reflect early judicial acceptance of Rule 107 as a structured, Rule 403–anchored mechanism for supervising illustrative materials at trial. As courts continue to apply Rule 107, it is likely we’ll see a growing body of case law reinforcing best practices around the use of illustrative aids and the rules of evidence.

How This Impacts Your Trial Strategy

From a strategic perspective, Rule 107 is a gift—if used wisely. It allows trial teams to leverage powerful visual tools to help jurors understand testimony without triggering the delays and complications that come with seeking formal admission. But there’s a catch: you must be disciplined in how you use and present those aids. Visuals should be used to assist understanding, not to impress or sway unfairly. (Fed. R. Evid. 107, Advisory Committee Notes, 2023). In other words, do not mistake Rule 107 as a license to dazzle the jury with flashy graphics; instead, use it to clarify complex facts, organize sequences of events into a timeline, or show data patterns in a graph or chart.

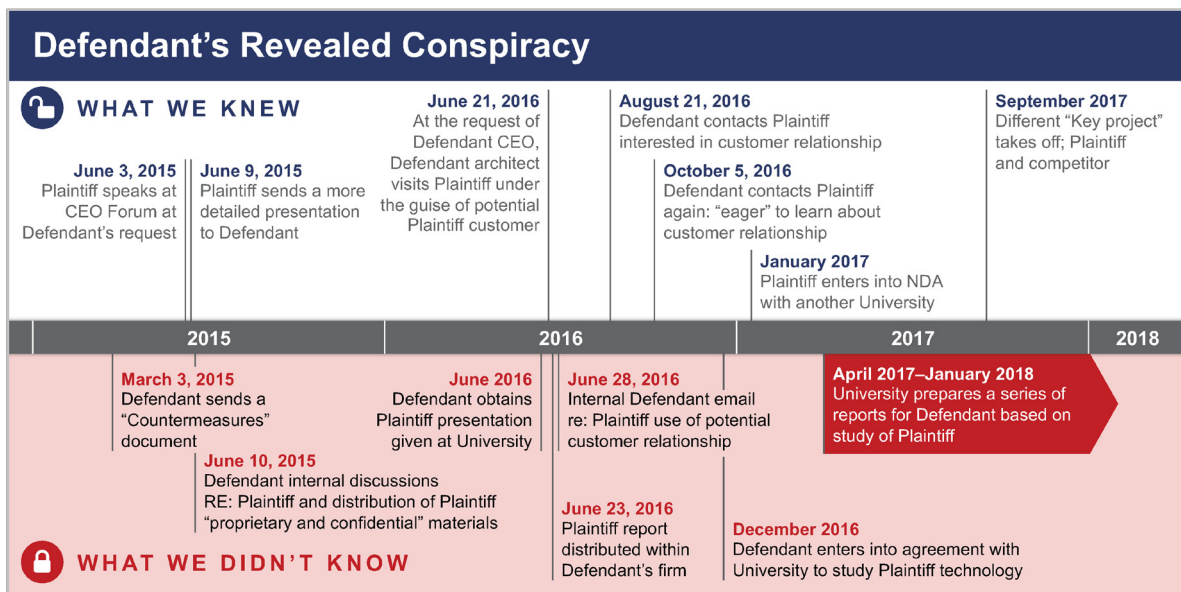


Figure 3

Compared to Figure 2 above, this version of the timeline presents the same sequence of business decisions and actions between two parties using dated entries arranged chronologically, but with selective wording, emphasis, and characterization that highlight one party's position and frames the events in a more persuasive, one-sided manner. Because it reflects advocacy rather than a neutral summary of the events, it is less likely to be admitted into the jury room under Rule 107, though it may still be used for illustrative purposes to help explain that party's theory of the case.

It is also critical to create a clean record. If a judge or appellate court later needs to understand how and why a visual was used, your transcript should reflect that it was offered solely as an illustrative aid, not admitted into evidence. This level of preparation avoids confusion and minimizes the risk of objections. In short, Rule 107 is as much about strategic foresight as it is about courtroom presentation.

How States Are Approaching the Rule

If you are preparing visuals for use in state court, it is essential to research the local rules and tailor your presentation accordingly. A “Rule 107 mindset” may be appropriate in federal court, but it could lead to trouble in some state courtrooms.



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For instance, in 2024, Arizona’s adoption largely mirrored the federal language and rationale (Ariz. R. Evid. 107, 2024). This provides Arizona litigators with the same streamlined process: they can use illustrative aids without going through the rigors of formal admission, provided the aids are not introduced as evidence. The rule has already been praised by the Arizona Bar as a tool that “aligns courtroom procedure with the realities of modern communication” (Arizona Judicial Branch Press Release, 2024).

California, by contrast, remains far more conservative. Under California Evidence Code §§ 350–370, trial visuals—even when clearly illustrative—are sometimes treated as evidence, subject to authentication and relevance standards. As a result, attorneys practicing in California must still take extra procedural steps when using even the simplest visuals. This can slow down proceedings and create more opportunities for evidentiary objections.

Strategic Tips to Employ in Trial

To stay ahead of the curve and fully leverage Rule 107, attorneys and supporting consultants should approach demonstrative aids with a clear strategy.

First, distinguish between visuals used solely for illustration under Rule 107 and exhibits intended to function as substantive evidence, such as summaries under Rule 1006. Illustrative aids are designed to help the jury understand testimony or admitted evidence; they do not become evidence simply because they are effective. By contrast, Rule 1006 summaries must satisfy evidentiary requirements and typically require advance disclosure of the underlying materials to opposing counsel.

Second, understand that Rule 107 does not categorically foreclose a demonstrative from ever becoming evidence—but it does require an intentional choice. A visual initially used as an

illustrative aid may later be offered for admission if it independently satisfies another evidentiary rule and an adequate foundation is laid. Absent that step, the aid remains non-evidentiary.

Third, be mindful of the difference between admission into evidence and use during deliberations. Admission confers evidentiary status: the exhibit becomes proof, may be cited for its truth, and ordinarily may go to the jury room. Illustrative aids under Rule 107, however, are generally not admitted and therefore do not go back with the jury. In limited circumstances, courts may allow jurors to view an illustrative aid again during deliberations as a memory aid—often under controlled conditions—but that does not transform the aid into evidence. Attorneys should not assume that repeated use or judicial permission to re-display a visual elevates its legal status.



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Fourth, ensure disclosure of illustrative aids to opposing counsel reasonably in advance, just far enough to avoid potential prejudicial objections. As highlighted in *Science Applications*, early disclosure reduces trial-day disputes and bolsters credibility with the court (626 F.3d 1257). Rule 107 favors transparency and fairness; surprise visuals undermine both.

Finally, make a clean record. Always clarify on the record whether a visual is being offered as evidence or used solely as an illustrative aid under Rule 107 and confirm whether it will be available during deliberations. This clarity not only guides the jury but also protects the verdict on appeal, where ambiguity about the status of a demonstrative can become a critical vulnerability.

Key Takeaways

In today's visual-focused courtrooms, illustrative aids are no longer a luxury but a necessity. Rule 107 gives attorneys a clear, principled basis for using visual tools over objection, without inflating the evidentiary record. When a demonstrative is challenged, the rule provides a straightforward response: it is not being offered as evidence, but solely to help the jury understand testimony or admitted exhibits, and it is subject to the court's control to ensure fairness and accuracy. That framing—grounded directly in Rule 107—is often all a court needs to permit use of the demonstrative.

Rule 107 also aligns with a practical reality judges see every day: jurors struggle to absorb complex facts through testimony alone. Well-designed timelines, diagrams, and animations improve comprehension, streamline witness examinations, and reduce confusion. When counsel can point to Rule 107 and explain that a visual fairly reflects the record, has been disclosed in advance, and will not be sent back as evidence unless independently admitted, objections rooted in admissibility concerns lose their force.

At the same time, the rule demands discipline. Attorneys must use visuals thoughtfully, disclose them reasonably to avoid objections on prejudicial grounds, and clearly state on the record that they are illustrative aids under Rule 107. Doing so not only neutralizes objections at trial but also protects the verdict on appeal.

When case strategy is built around how jurors process information—and when counsel can cite Rule 107 as authority for using explanatory visuals—the result is a clearer presentation, a more efficient trial, and a stronger, more persuasive case for the jury.

Trial Visual Checklist

Below is a concise checklist for attorneys and consultants to ensure illustrative aids stand the best chance for possible admission to the deliberation room.

Pre-Trial Planning

- **Inventory your visual aids:** List all potential visuals (charts, timelines, animations, AI-generated content, physical models, etc.)
- **Classify each visual:**
 - Illustrative Aid (Rule 107): Used solely to assist jury understanding, not as evidence.
 - Demonstrative Evidence/Summary (Rule 1006): Requires early disclosure and formal admission.

Notice and Disclosure

- **Provide advance notice:** Share copies of all illustrative aids with opposing counsel before trial.
- **Confirm receipt and address objections:** Follow up to resolve disputes early.
- **File notice with the Court (if required):** Confirm and follow local rules about disclosure to the judge.

Trial Use

- **Mark visual aids clearly:** Label as “Illustrative aid, not admitted as evidence” and include (re)numbering demonstratives with a trial exhibit number.
- **State their purpose on the record:** Ensure counsel or a witness clearly explains why the aid is used (e.g., to assist understanding of testimony).
- **Request jury instructions:** Collaborate with the judge to include instructions clarifying that illustrative aids are not evidence.

Jury Deliberations

- **Determine whether visual aids may go to the jury:** Obtain consent from all parties or court approval before providing aids to the jury for deliberations.

Record Preservation

- **Create a visual aid index:** Keep copies of every visual used, labeled with trial date, sponsoring witness, and purpose.
- **Ensure the record includes explanations:** Confirm the trial transcript reflects the use and purpose of each aid.

Post-Trial Review

- **Analyze effectiveness:** Assess which aids helped jurors understand complex issues.
- **Document lessons learned:** Note any objections, rulings, or juror feedback for future improvement.

Resources

Federal Rules of Evidence, Rule 107 (2023 amendment)

Federal Rules of Evidence, Rule 1006 (2023 amendment)

Fed. R. Evid. 107 Advisory Committee Notes, 2023

United States v. Science Applications Int'l Corp., 626 F.3d 1257 (D.C. Cir. 2010)

Arizona Rules of Evidence, Rule 107 (2024)

California Evidence Code §§ 350-370

Federal Judicial Center, Advisory Committee on Evidence Rules, Meeting Minutes (2022)

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