

TRIAL STRATEGY

Technology Can Win Cases If Lawyers Use It Correctly

By David Hunter

In a recent trial in Los Angeles, jurors literally fell asleep until the defense presented a spectacular multimedia demonstration that not only jarred them awake but also turned the tide of the trial. In another case, this one in Tennessee, the jury acknowledged that powerful video clips swayed them in their decision. And in an Atlanta trial, jurors interviewed after the verdict concurred that the plaintiff's compelling presentation technology was the deciding factor.

In courtrooms in Los Angeles and nationwide, technology is helping lawyers influence juries and win cases.

But surprisingly, many attorneys haven't tried using multimedia in the courtroom. A third of trial attorneys, in fact, never have prepared evidence with the help of any courtroom technology, according to an American Bar Association survey.

The statistic reflects what these lawyers, and the countless others with minimal experience, feel about using technology at trial. They embrace the idea of using this presentation medium and recognize its success in the courtroom, but they lack knowledge or are afraid to use it.

To "get in the game" and ensure the successful use of courtroom technology, here are four ways to get started

using a multimedia presentation system to your advantage:

Determine what you need

For what specific purpose do you need the technology? While the need for technology is clear-cut in cases involving a lot of material or in complex trials in which graphics can simplify matters, it's untrue that only large firms with lots of money and big or complicated cases use courtroom technology.

Presentation technology can be highly effective, for instance, in smaller matters such as hearings and mediations. The decision regarding the necessary technology will depend on the level of flexibility and interactivity required and the type of information being presented.

Systems that use bar-code functions, for instance, allow you randomly to access information throughout your presentation. Features such as highlighting, zoom, write and erase, and split screens allow you to draw attention to key information and will help keep the jurors' attention.

What about cost? The expense of presentation technology and trial support can run from a few thousand dollars for the basics to \$50,000 or more per trial per month. Using technology can be a powerful and persuasive vehicle

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for presenting your information. Is the price worth it? Yes, especially if it is vital that you make complex issues understandable and interesting to the jury.

Consider using a litigation consulting firm

They will work closely with you to evaluate your needs and determine the most appropriate technology for your case. And they will have the capability to meet every need you may have – including around-the-clock production.

Another advantage to using an outside firm is that they will operate the system for you, freeing you to concentrate on what you do best – using your oratorical skills to state your case in court

An outside firm also has the means to provide you with cutting edge, high-quality audiovisual equipment. It makes little sense to spend thousands of dollars to prepare a multimedia presentation only to end up with low-quality images.

Be prepared

Nothing makes any presentation – especially an interactive one – more fluid than good preparation.

According to Chicago technology consultant Brian Turner. “Preparation isn’t about rehearsal as much as it requires understanding how to effectively present information through a multimedia system.”

Turner warns against either under- or overpreparing. “Underprepare, and you end up looking like you’re not in control of the presentation,” he says. “Overprepare, and you become so focused on following the ‘script’ that you lose the ability to think on your feet and be responsive.”

The best way to prepare is to work closely with your technology consultant. Also, work with your witnesses to ensure your awareness of how they will go through documents and how they want to annotate them. Always do a dry run so you feel comfortable using the technology and interacting with the one running the presentation system.

Ideally, you should begin working with a litigation consulting firm at least four weeks in advance. However,

a provider with in-house capabilities and the proper resources can meet your needs and manage your deadlines even in the proverbial eleventh hour.

Keep it simple

Too much information crammed into your presentation can confuse the jury. The most effective presentation keeps things simple.

Jurors, for the most part, are blank slates. And many of them wish they were anywhere but in a courtroom. It is important, therefore, to convey complicated concepts as clearly as possible.

According to Chicago trial consultant Daniel Wolfe, “Sixty-five to 70 percent of jurors are predominantly visual learners,”

Like most of us brought up in the TV age, jurors want to be entertained and visually stimulated. What’s more, according to the Weiss McGrath Report, when compared with strictly oral presentations, technology-based presentations that are both oral and visual increase a juror’s memory retention by 650 percent.

Presentation technology draws your jury’s attention to important facts. And most jurors find that, in comparison to following the small print of a paper document, courtroom technology makes it easier to follow the course of the trial.

Mixing the media is another important tactic. When it comes to time lines, for instance, Los Angeles multimedia consultant Chuck Vaughn says, “We are often asked to put things on the multimedia system that simply aren’t appropriate, like time lines. Time lines don’t work on the multimedia system but are great as a big board to use in conjunction with the multimedia system.”

Courtroom technology can contribute significantly to the presentation and comprehension of the facts of your case.

The American Bar Association in its 2001 survey said it best: “The impact of technology on the legal profession has been, and will continue to be, groundbreaking.”