

Using Multimedia in Legal Proceedings

Benefits Using Multimedia Technology

We are moving away from text-based collaboration, the limitation of narrow bandwidth. We now recognize that human communication is multidimensional. Accordingly, lawyers must become voice smiths and image smiths in the same way they are effective in oral advocacy. - Sam Guterson, trial attorney.

From the day a client walks through the door, the focus is to obtain a favorable result. As an advocate, you must demonstrate to whomever is deciding your case the strength of your position and the weakness of your opponent's case. To prove your case, you need to persuade the factfinder using witnesses and exhibits that demonstrate the merits of your case.

One of the most effective and important methods of persuading the factfinder is through the use of multimedia aids. Seeing and hearing is believing. Our society, including judges, expects to be entertained and taught through multimedia. The preparation of multimedia visual presentations can be calculated to be persuasive of a particular position and to assist in convincing the trier of fact to reach a decision in your client's favor. Visual aids summarize, supplement and assist in conveying your message to the trier of fact.

Common sense and a substantial amount of research dollars demonstrate that advertisements, TV ads, and movies all stimulate and persuade us. Millions of dollars are spent on advertising campaigns to convince us to purchase services or products. The latest visual techniques ? including color patterns ? can be observed on TV on a daily basis. When you see commercial ads, use your imagination to see if they can be applied to a case. For example, the show "60 Minutes" uses persuasive techniques to highlight documentary evidence to influence you.

With the advances in digital information, the latest buzzword is multimedia. Multimedia is the integration of data, text, image, audio, or video in a single application. We are living through a digital revolution where information is presented to us in a multimedia context.

Multimedia is both a technology and communications concept. As a technology concept, multimedia is explained in the sense of using text, sound, graphics, video, and animations to persuade. Multimedia is taking the various forms of media - sound, text, graphics, video and animations - and presenting various combinations of the above to communicate and persuade a trier of fact as to your client's position.

As a communications concept, which is more important than multimedia as a technology concept, the digitization of information for use in multimedia provides a new and dynamic method of presenting your case to the trier of fact. It adds immediacy and realism to dry exhibits. Only in the last 15 years have we been able to digitize and present our case information in this new and persuasive way. Digital multimedia for legal applications means being able to display your case documents as computer images, enlarge the relevant document sections, draw on the documents in various colors, or put them side by side on a monitor to focus the jury's attention on the points that are important to your client. It means having a witness's deposition on CD-ROM for immediate access and stopping the video and bringing up a document pertaining to the witness alongside the video for the factfinder. It means using charting and presentation programs for bullet slides, organizational charts, or a timeline of your case. See also, Chapter 6, Multimedia - Text, Graphics, Sound, Photographs and Video.

Multimedia presentations should be the norm in our cases. The rest of the world expects presentations that provide multi-sensory stimulus to learn and decide the merits of products and services, why not disputes? There are many important benefits to using computer technology in your case during legal proceedings:

- Increases juror understanding and the trier of fact remains focused on the case - The trier of fact wants to learn and be involved in the presentation of the case. The trier of fact wants a visual presentation. It brings a case to life. It provides variety, keeps them interested, and increases their understanding of the factual and legal issues in a case.
- Controlling the flow of your case - Presenting digitally allows you to control the pace and flow of your case. You have the capability to rapidly present successive documents to a witness during examination and not be interrupted by paper shuffling with the witness or jury. For example, it is much easier to present a direct examination of your witnesses, since they can see beforehand on the computer monitor highlighted portions of documents that they will be testifying about.
- Simplifying complex issues - Demonstrative evidence can simplify voluminous and confusing facts for the benefit of a jury. The old adage "a picture is worth a thousand words" definitely applies in all of your legal proceedings. Properly used, technology with graphics and other multimedia can simplify the issues and provide the tool for jurors to understand your case.
- Instant Access and Control over the Law and Facts of Your Case . Literally at your fingertips is access to the law and facts of your case. If you convert your case materials to a digital format, you can instantly gain access to interrogatory answers, deposition testimony, or images of your documents. If you are surprised in trial, then a quick search will produce answers or disclosure of material to counter the new issue.
- Timesavings - One of the constant complaints by juries and judges is the wasted time in the courtroom as lawyers try to present their case. They are upset that exhibits are misplaced, the time it takes to publish and read documents, and any other delay that keeps them away from their family and jobs. The judge and jurors want an efficient and fair trial. One little known fact is that the use of technology in the courtroom can save a significant amount of

time in trial. Using a paperless approach to present a case to a jury saves 20% to 50% of the time in trial.

“The most telling example of the efficiency and impact of electronic media occurred when defense counsel handed a one-page spreadsheet to a witness. The expert was asked to identify the document and answer a few questions about some of the numbers on the sheet. This single piece of paper was given to the jury to study, one juror at a time. Each juror took several minutes. For those in the courtroom, the whole process seemed to take forever. During cross-examination, plaintiff’s counsel referred to the same spreadsheet but displayed it on the computer screen for the witness, judge, and the jury to view it simultaneously. In the same time that it took a single juror to study the defenses prior version of the spreadsheet, the entire jury saw the sheet and heard the plaintiff’s counsel cross examine the witness in detail” - Judge Carl B. Rubin

- Cost savings - The monetary savings by presenting your case using technology in the courtroom is immense. The costs of the attorneys, judges, clerks, and etc. can easily amount to \$5,000 a day. To save 1 day a week for a year would save \$260,000 a year - more than enough to buy 5 courtroom presentation systems.

- Changing demonstrative evidence - You can change your presentation on the fly. As the facts are presented, charts and other graphics can be changed in the courtroom to reflect actual testimony.