Using Multimedia in Legal Proceedings

Animations

An animation is a three-dimensional, scientifically accurate, computer-generated series of still graphic images. In motion, they provide a simulation or recreation of an event or process. Once the animation is constructed, you can show it from different camera angles. Autodesk 3?D Animator™ software (www.autodesk.com) has the capability to create and then view a two-car accident from the viewpoint of the driver, overhead, behind, to the side, or any angle which will most effectively display your version of how the accident happened, as long as it is supported by evidence.

Working Model - Knowledge Revolution (www.krev.com) is a software program that will simulate automo

3D models of people, places and things can be purchased from Viewpoint (www.viewpoint.com). Examp

Animations can be used to reconstruct or simulate events, simplify complicated systems, and take the viewer "inside" an object. They have been used in construction, financial, medical malpractice, oil and gas, patent infringement, personal injury, and toxic tort cases.

Animations can be used during different stages of litigation:

- Exhibit to summary judgment;
- Settlement tool;
- Part of witness's testimony;
- Closing statement exhibit.

Generation and Admissibility of Computer Graphics and Animations. There are several steps to qualifying computer-generated animations for use in court:

1. Pretrial Strategy - Disclose the use of animation exhibit at least 60 days before closure of discovery. This will give the judge enough time to analyze the applicable case law and how the rules of evidence will apply. Opposing counsel will have time to request the

foundational basis for the animation and to retain expert assistance, if desired.

2.   Qualify the Expert - The expert must possess important credentials to support the reasonableness of the data, how the data was inputted, the computer hardware and software, and the results obtained.

3.   Qualify the Hardware - It is best to use commercially available hardware. It should be available for non?litigation use and accepted and used by the engineering community.

4.   Qualify the Software -Commercially available software is the best to use. Emphasize this point showing its nonlitigation use by the engineering community.

5.   Qualify the Data - What was the source of the data? How was the accuracy of the data checked? How was it input into the computer? What assumptions were made for the model? How was data input checked? Vouching for these factors that provide the basis for the animation is extremely important. If some of your data is incorrect, this can provide fruitful and deadly cross?examination. Sources of data originate from eyewitness testimony, physical measurements, design drawings, data recorders, black boxes from planes, expert witness calculations, and opinions.

6.   Qualify the Processing Operation of the Software - An expert can do benchmark tests, perform a smaller calculation comparing it with a calculator, or use the certifications that sometimes accompany the software.

7.   Qualify the Accuracy of the Presentation Media - The media that displays the animation or other form of output must be qualified. They must demonstrate that the display is accurately depicted.

8.   Case law in the areas of admissibility and foundation is constantly evolving so check for the latest legal authorities.

Animations can be extremely useful for certain types of cases. However, they are generally expensive.