

Using Multimedia in Legal Proceedings

Presentation Tips, Techniques and Benefits in Displaying Exhibits

Juries respond. They get it too. Preliminary conversations with judges and juries suggest that the use of trial technology simplifies the evidence and, in their minds at least, quickens evidence presentations, particularly in complex cases. Interestingly, jurors appear to be displeased when only one side of the case uses the technology – and it is counsel who has chosen not to use the technology who displeases them.

Some of the benefits of presenting your case digitally:

- No dead time or confusion searching through exhibits boxes.
- No dead time in lifting poster board exhibits off an unsteady easel.
- Jurors do not have vacant stares, grimaces and amusements.
- Jurors perceive that you have better control with a visually exciting presentation.

- Jurors acknowledge outwardly by body language attention and mood their satisfaction or misery with the pace of the case.
- You never lose momentum or juror attention.
- No downtime by a witness hunting through multiple pages of an exhibit.
- No uneven breaks in an examination to publish a document to the jury.
- Enhances the visual clarity of exceptionally poor materials, writings on checks and other documents by zooming and enlarging a symbol, number, signature, sentence or word.

- Move effortlessly from one exhibit to another in a controlled organized fashion.

- No walking to and from the witness stand to hand deliver to him or her and then wait for a witness to read the exhibit, which may be of poor quality.

Don't forget the main visual aid is you; never take a backseat to your multimedia aids.

After you have tried a number of cases using hardcopy document and demonstrative exhibits, you have become familiar with what techniques are best in front of the trier of fact. For example, it is suggested that an exhibit of your main points always be in front of the jury to permit them to focus on the themes of your case.

The proper display techniques are not always apparent from reading or discussing new technology presentation systems. In order to appreciate the impact of these systems, you need to observe an attorney using them in front of a jury. In addition, it is important that you get as much “time” on these systems as possible for you to have confidence in the systems, as well as having confidence in your ability to use them in front of a jury.

Finally, to reduce your stress level, you need to understand that sometimes a technical problem can develop. Generally, such problems are short-lived and your presentation will go on. The jury is understanding of such problems and will ignore it if your preparation is apparent throughout the trial. If a problem develops, be prepared to address the situation immediately by requesting a short recess to fix and reset the computer, move to a different part of your case using printed material, or use a backup computer, projector or Elmo presenter.

Below are many tips and techniques on using these systems in a legal proceeding.

Presentation Tips, Techniques and Benefits Checklist.

Court

- Advise judge. Advise the judge and defense counsel ahead of time that you will be using monitors or a LCD projector to display exhibits. Explain that it will supplement the usual method of displaying the documents and will not replace the normal practice of authentication and admission of documents. Compare it to the overhead projector method of displaying materials.
- Equipment storage. Don't take for granted that the equipment can be stored in the courtroom during the trial as some judges may expect you to remove it each day.
- Electrical Power Supply. Does the courtroom have sufficient power to run your equipment? Will the courtroom become overheated with all of the electronic equipment?
- Let the jury use the equipment. After checking with the judge and opposing counsel, explain and allow the jury to use the equipment to eliminate their curiosity.
- Line of Sight for Trier of Fact. Consider the location of the monitors so that the jury can see the witnesses' face when he or she sees a document and is testifying about it. Also, ensure that the jury has an unobstructed view of the document on the monitors.

- **Authenticate Documents.** Authenticate the document and then show the jury the document on the screen so that they can follow the witness as he or she testifies about the substance of the document.
- **Admit documents and then Publish to the Jury.** Don't display a document to the jury before the judge has admitted it.
- **Notify the jury ahead of time as to what you will be doing.** Tell the decision maker(s) about the equipment and that it may have glitches or that you may make a mistake, but do not apologize.
- **Backup equipment.** Make sure and have backup light bulbs and know how to change or switch to the backup bulb. Tape down wires, have a backup marking pen and other backup items for your visual presentation.
- **Check Equipment Beforehand.** Set up the system a few days before to check if it is operating properly and displaying the documents clearly under normal courtroom conditions.

- **Equipment performance and controlling witnesses.** Make sure your computer and display system can bring up images rapidly so it does not hinder your fast paced cross-examination. Providing a rapid succession of documents to a witness gives the examiner the control.
- **Assistance in using equipment.** During opening and closing, you may want someone else to call up the exhibits.
- **Court personnel.** Establish good working relations with court personnel - they are the ones that can assist with equipment and court access, etc.

Presentation

- **Practice beforehand.** The jury will appreciate an efficient and effective presentation.

- **Blackout screen.** Generally leave the document on the screen while the witness is testifying about it. When the witness moves on to another topic, the old document or even a white screen may be distracting, black the screen out. Blacking out the screen will have the jury's attention redirected back to you. An exception is when a key document is on the screen. You may want to change your technique as to this document.
- **Use a mix of audiovisuals.** Use a mix of the available audiovisuals for the courtroom. Some of your most important documents should be blown up and left in the courtroom as the trial proceeds.
- **Capture the jury's attention.** The presentation of the evidence on monitors will allow you to control the jury's attention paid to documents. Highlighting and zooming in will increase their attention.
- **Introduce and set up your visuals.** Introduce every visual, it is easier on the listener. Tell them you're drawing attention to a particular part of your visual. Learn to talk and work with your visuals at the same time. Practice, practice and practice.

- Make it interesting. Just because TV is in the courtroom, it doesn't make it interesting. The jury may tune it out just like at home.
- Engage all learning senses. The more senses you engage, the better understanding the jury will have of the issues.
- Do not overuse the technology. Jurors will lose their attention.
- Leading witnesses. Highlighting portions of a document before questioning a witness allows you to "lead" a witness.
- Witness video credibility. If you want the jury to see the deponent's video face, do not show the full text of the testimony at the same time - people will read the text and not look at the video.
- Side by side Presentation. This type of presentation can be especially effective to show inconsistencies in documents, pictures or testimony.
- Visual aids are aids. The strongest impact upon an audience is the person presenting.
- Paper Presentation. Having a witness draw on a pad of large paper to explain testimony is still an effective way of explaining some concepts.
- Leading the witness. When a lawyer asks a question about a document on the computer screen in front of the witness, the lawyer sometimes uses a yellow highlighter to focus attention on the portion of the document that will provide the answer. If appropriate, it saves time.
- Official looking Documents. You may want to keep official documents with seals in their original format.

We have learned in recent years that juror's attention spans are short and getting shorter

Technical

- Utility Programs. Turn off all utility programs, such as Norton Utilities, and other programs that automatically pop up. It is embarrassing before a jury to run into this problem.
- Choose the best presentation system. Consider the audience, purpose, situation, environment and budget. What are the lighting conditions? Are there electrical outlets?
- Renting instead of Buying. Consider renting a system if the cost is too high to purchase.
- Efficient Presentation. Paperless presentations save time when a witness is testifying about several documents. It makes it an organized, clear, and efficient presentation. Treat the system as an efficient way to display documents to a jury. Paper can be a distraction - finding, handing, publishing, etc. - can take several minutes.
- Backup presentation. If you have problems with your presentation, continue using paper backup. Use paper manuscript; slide handouts or handouts for yourself. Cover a different area. If you absolutely need the computer presentation, ask the court for a recess.

- Determine and communicate multimedia needs. Identify your multimedia needs and communicate them clearly. Verify that your multimedia needs have been understood and implemented. Does the legal proceeding site have preset presentation rules? Arrive early to check out equipment and room. View your presentation on the actual equipment in the actual room before the presentation.
- Keep extra digital copies of your presentation in your briefcase. Do not leave them back at the office.
- Check out your presentation on the computer equipment to be actually used in the proceeding. If you design a presentation on a desktop and then use a different computer to present, it may not have the same program version, fonts, etc.
- Attention to detail is important to success. The devil is in the details.