

# LTN

## Law Technology News

### PRESIDENT'S CORNER

CT TyMetrix 360 10 billing software helps general counsel manage their outside counsel relationships. It includes support for alternative fee arrangements and invoice status rollback.

The company's general manager, John Weber, says that the alternative fee arrangement tem-

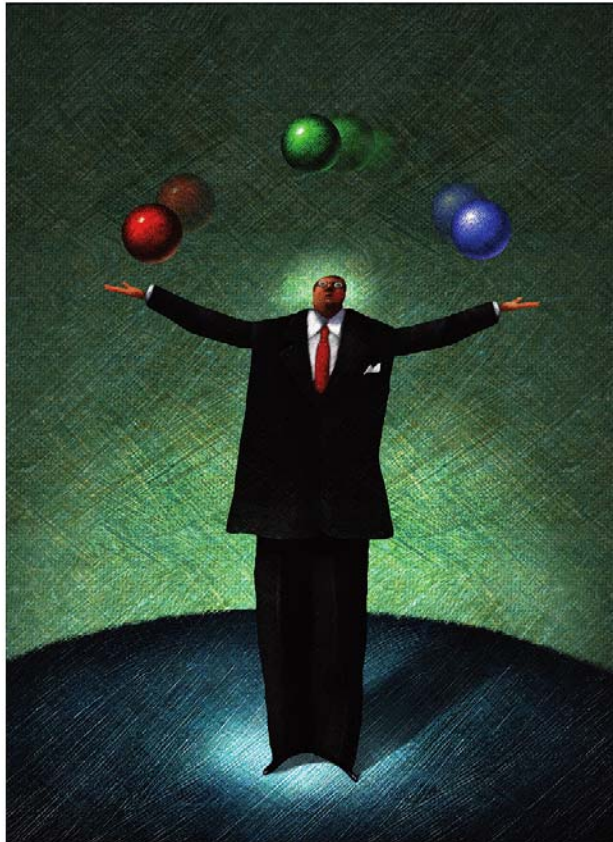
plates help general counsel manage blended hourly rates, deal-based billings, fee caps, hourly rate discounts, task-based billing caps and, matter-based rates.

CT TyMetrix ([www.ctymetrix.com](http://www.ctymetrix.com)) provides risk management tools for legal professionals and is based in Connecticut.



John Weber

Products, Systems & Services for Legal Professionals / [www.lawtechnologynews.com](http://www.lawtechnologynews.com) / July 2009, Vol. 16 No. 7 Price \$20.00



### COURTROOM TECHNOLOGY

## Juggling Act

Stay calm in the hot seat with strong planning.

By John Cleaves

**I**t is the start of another trial and I am in the hotseat again. I am the tech dude, a.k.a. the computer geek, or, more politely, the practice support guy. It is my job to use the laptop computers to bring up exhibits, play deposition video clips, and page through Microsoft PowerPoint presentations. All of my gear is set up, double-checked, mirrored, and ready to go. I have bottled water, a few mints, and my cheat-sheet index listing shortcuts and abbreviations to various exhibits. I am actually feeling a bit comfortable, although I do have the typical case of pre-game jitters.

On the other side of the courtroom, opposing counsel and their technology team are having a bit of trouble. They forgot a cable. They are not hearing any audio from their speakers. They are getting stressed out, and are panicking their lead attorney. The judge is about to bring in the jury and they are not sure if they will be able to show anything during the opening statement.

The difference? I am fortunate to have experience on my side. I have lived through almost all of the things

that can go wrong with technology in court. I have been on the receiving end of curt statements from attorneys, evil-eyed glares from clients, and the dreaded judicial "recess for technology to get its act together." While it is upsetting to live through those experiences, they are wonderful teachers.

So, while I sit here watching the opposing counsel's team wrangle, I thought it would be worthwhile to put together a list of some of the most useful presentation tips.

1. *Scout the courtroom:* Go to the court several weeks before the trial to figure out where you will set up, what presentation equipment the court can provide, and what you need to bring.

Test the courtroom equipment. For example, you might find projectors are lacking in resolution or brightness, and may want to make arrangements to bring your own.

Make sure there are enough power outlets, and figure out how many extension cords and cables you will need to make everything work. If you are bringing in equipment, check with the court clerk to see if you can set up a day or two *See Cleaves Page 26*

### RESOURCES

#### Mobile Lawyer



The Philips Digital Voice Tracer 660 combines recording hardware with speech recognition software. It has six recording modes, including MP3 format. Users can organize their recordings into four folders (each stores up to 99 recordings). The Digital Voice Tracer 660 is equipped with 1 GB storage. A hold function prevents accidental on/off mode switching. Stereo headphones and a lapel microphone are included. **Page 20.**

Nokia and AT&T have joined forces to introduce the Nokia E71x. Built on the 3G network, this smartphone lets users access both Microsoft Exchange and personal e-mail accounts. Operating on a Symbian mobile operating system, it was designed for heavy e-mail and text messaging usage. Other features include a 3.2-megapixel camera, and video camera. The 4.4 ounce E71x has 4.5 hours of talk time and 12 days of standby time. **Page 20.**



## COURTROOM TECH

### *Cleaves from Page 1*

before the opening statements. It usually takes a few hours to set up, test and tape everything down. Also, courts typically prefer cloth, or "gaffers," tape to duct tape. (It does not leave glue residue on the carpet and woodwork.) Get necessary permissions ahead of time.

2. *Be comfortable:* You will be sitting in court all day, often with little to keep you entertained. If you are sitting on a wooden pew, or in clothes that are too tight, or in an awkward position, it will get old very quickly. Take the time to set up your work area. Bring a seat cushion, or a small folding table so you can sit somewhere other than at counsels' table. Find a place where you can see and hear, but are not in the way of the rest of the team. Bring water, candy, PowerBars, or small snacks you can eat during recess. Don't assume you'll have time to hit a cafeteria or deli.

3. *Bring more than one computer:* Computers crash. They seem to crash more easily in court. They also crash when opposing counsel "accidentally" spills some water onto them (yes, this has happened!)

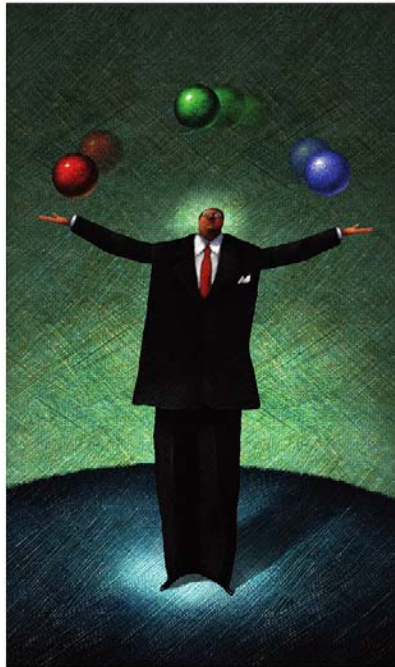
Mirror your presentation on at least two laptops, and connect both of them to the presentation equipment via a switchbox. Never use your primary presentation laptop for database searches, realtime trial transcripts, or other memory hogs. That is what the backup is for. It is also helpful when you are showing a PowerPoint with animations to view the same presentation in slide sorter mode on the backup so you know when the animations are done and what the upcoming slides are about.

But the most important use of the backup is to switch effortlessly to it if the primary crashes. The attorneys tend to get jittery if they see the infamous blue screen of death on the projection screen and monitors, but being able to move to the backup at the flip of a switch so the attorneys can continue their presentation will make you the hero.

4. *No gee-whiz!* Avoid sound effects and gee-whiz PowerPoint effects. No matter how much everyone thinks a sound effect is really nifty, it rarely works. Instead it comes across as patronizing, annoying, or maudlin. Those fancy transitions between slides or bullet points get boring after the first dozen times, and then just serve to slow down the presentation and annoy the jurors. Be sure fonts are big enough for aging Baby Boomers — retirees are often on juries!

5. *Use correct software:* If the trial is a few weeks away and you have the time and aptitude for it, there are several trial presentation programs, such as InData's TrialDirector ([www.indatacorp.com](http://www.indatacorp.com)) and Verdict Systems' Sanction II ([www.sanction.com](http://www.sanction.com)), that are powerful and effective. They allow you to show exhibits, graphics, and deposition video. Use PowerPoint (<http://tinyurl.com/LTNppt>) to show graphics, Adobe Acrobat (<http://tinyurl.com/ltnacrobat>) for your exhibits, and Windows Media Player (<http://tinyurl.com/ltnwmp>) for deposition video.

Also, you may want to consider showing exhibits in their native format. Spreadsheets typically display better in Excel than they do as .tiff images, and any specialized software used by the experts for drawings



or schematics may work better than converting the images to something more standard. There are many shareware programs that can make life easier: video editors, image cleaners, and bulk file renamers are just a few of the programs that are well worth the price.

6. *Rehearse:* Sit down with attorneys to familiarize them with what the software can do, and the terminology they should use. Expect attorneys to push back and say they do not have the time — explain that it is better to have everyone on the same page before going in to court than for you to use the court's time trying to figure out the attorneys' requests.

Similarly, ask witnesses to spend a few minutes with you before they take the stand so that they have a better understanding of how to work with exhibits and demonstrative graphics. Show everyone how to use a wireless mouse to click through PowerPoints. It is much smoother to have them advance to the next slide rather than tell you "next slide, please."

7. *Test, test & test again:* Video can be a challenge. Test all of your deposition and other video clips before showing them in court. Audio levels vary from file to file so you may need to adjust speakers.

The court may require all of the video for a particular deponent to be played consecutively, in which case you will need to work with opposing counsel's team — just make sure to ask that they get you their clips at a reasonable time (preferably before midnight).

If you have new clips to create, and the other side is presenting their case, plug in a pair of headphones

and get to work. Any time you can save by doing work while in court is extra time you can sleep at night. Or, more likely, that you can dedicate to your numerous other job tasks back in the war room!

Finally, if the attorneys ask you to create and play a new clip on the fly, without any time to test it, be sure to make it one or two lines longer than the cite provided. That way, if the deponent takes a long pause before answering, you will still play it. You just need to be ready to hit the pause button after you get the full quote requested.

8. *OCR can be your best friend:* Optical character recognition helps you execute text searches of exhibits, transcripts and other documents. This is a big time-saver when an attorney asks you to bring up a document about some fact, or with some date, but does not give you an exhibit number. It is also great for helping witnesses review many documents quickly, because you can jump to important information rather than have to review everything.

9. *Keep track of everything:* Create a cheat sheet that lists all of your shorthand references to deponents, graphics and exhibits. For instance, when using trial presentation software, you may want to list all deponents by initials rather than their full names so you have fewer letters to type when calling up a transcript.

Or you may need to load documents before they have exhibit numbers, in which case you might assign temporary names or numbers, you can change later. Exhibit lists sorted by number, by chronology, and by witness are very useful, especially when the attorneys ask you to "show the exhibit written on the date in question" or "bring up the document the witness wrote."

It is also helpful to have a notepad handy to keep a running list of what you have shown that day, both because the attorneys will often have you jumping around from document to document by saying "go back to the previous one," and because the trial team can use it to make sure everything they showed in court has been entered into evidence.

10. *Practice, practice, practice:* Work with your software whenever you can. If the other side is presenting, follow along on your computer bringing up the same documents. See if you can call up and highlight more quickly than the opposition. Check if there are updates or new features that will improve your workflow or make your job easier, but test them out in the war room before trying them in court. As the old saying goes, practice makes perfect.

11. *Always pay attention:* As bored as you may be when the other side is presenting, always pay attention. There once was a trial tech who was caught playing Solitaire by the judge. After he was escorted from the courtroom, the trial team called me at the office and said, "You know computers. Grab a suit and tie and get to the court right away!" That's how I got my first hotseat job! **LTN**

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