
Legal Technology

Preparing exhibits & demonstrative evidence for courtroom electronic projection

by Alan Michaelis

Making the transition from poster boards, flip charts, light boxes and televisions to big screen electronic projection of evidence in trials and mediations can be a daunting task for first time users. Knowing some of the basics about multimedia presentations, like how to prepare evidence for projection, should enhance your case! After all, a picture paints a thousand words...

First, let's define multimedia. Multimedia refers to the process of digitalizing physical exhibits and demonstrative evidence into a computer-based format and displaying those exhibits to the jury on a large projection screen.

To avoid the necessity of opening and moving through many different software programs such as Word, WordPerfect, Excel, Photoshop and others, to display your evidence, you should use some form of presentation software. This software helps select, display, highlight and enlarge your exhibits on screen. Many people are familiar with PowerPoint. PowerPoint has its place in trial presentations but the real work horses are programs like Sanction and Trial Director. These two programs are specifically designed for trial presentations. PowerPoint is designed for displaying a sequential set of slides in a corporate and training environment. It works well in mediations and for experts who have developed them for educating the jury.

What visuals should you plan to publish to the jury? Publish everything to the jury that you think will help you get and keep their attention, educate them, persuade them and make a lasting impression. Everything you publish should have a definite purpose. A quick test is to answer this question, "What do I want the jury to do with this?" If the answer furthers your case, then use it; if not, then don't. One way to start this selection process is to go down your list of witnesses and determine what visuals will help each one present their side of the story to the jury.

Always bring hard copies of your evidence to court. The purpose of multimedia is the same as poster boards. It is a way of showing the jury your exhibits. However, you should always have the actual hard copy of the exhibit in court for submission. Also, you will need them because opposing counsel and the court will want to see what you plan to publish to the jury before you flash it up on the big screen.

Advantages of multimedia

Large Screen display

An 8^{1/2}" x 11" document can be 6 feet wide and 9 feet tall or larger depending on screen size. The jury will be able to see and read the smallest details on your exhibits.

Random access to all your exhibits

Using multimedia allows you to just call out, key in or scan a barcode and your exhibit will appear instantly on the screen.

Zoom & highlight

Once your exhibit is on the screen, you can highlight, underline, box around and zoom in on a small section of the exhibit. These features will let you focus the jury's attention on a specific area of the exhibit.

Animations and videos

Any previously prepared animations or videos with sound can be displayed. These include anything from a simple deposition video clip used during impeachment to complex three dimensional rotating CTs.

Unlimited number of exhibits

In theory you are only limited by the size of your computer's hard drive, but keeping track of large volumes of documents for random access can become unmanageable. Every page of every document, x-ray, photograph, transcript, video etc., must have a unique file number assigned. Minimizing the keystrokes required to bring up an exhibit speeds the process and reduces the chance of error.

Real time changes

Unlike printed posters, many computer generated exhibits can be modified at the last minute in court. Some *Examples* include bullet lists for opening statements and closing arguments, jury instructions, and redacting out parts of documents that you are not allowed to publish to the jury.

Easy storage, easy portability

Once exhibits are digitized, they can be stored on a CD, a flash drive, or your office LAN. You can store thousands of documents on a CD. You can e-mail or mail them to your experts, opposing attorneys and clients.

Important considerations when using multimedia

At this point, multimedia sounds great! What do I need?

Equipment

You will need to carry a computer, data projector, projector stand and screen to court if the courtroom is not wired. Plus you will have to know how to setup, connect and troubleshoot them if problems occur.

Presentation software

Become very familiar with your presentation software and its capabilities to avoid embarrassment or delays.

Backup equipment

If you can't afford to delay the trial, it's a good idea to have a backup projector and laptop in court ready to go. It only takes five minutes to change out a projector or laptop. It can take hours to bring another one in from your office or rental agency.

Setup time

Allow about an hour before the trial begins to set-up and test your equipment. If possible, set it up the day before trial. Test it each morning before trial.

Cross-referenced index

A cross-referenced index between exhibit names and code numbers will help you quickly access your exhibits. As an example, Doctor Clemens's operative note of January 16, 2004, might be exhibit 43. You or your computer operator will need to know that number so that it can be keyed in quickly and accurately.

Multimedia service providers

You may decide that you don't want to learn a lot of new computer applications, do a lot of scanning, haul and hook up equipment and running a laptop computer while you are trying a case. In that case, there are contractors available to do all of that for you. And since they are specialists, they can provide you with their multimedia experience from many other trials.

All of your exhibits must be digitalized before the trial or at night between trial days. Whether you digitize exhibits yourself or use an outside contractor, properly preparing your exhibits will save you important time and money.

Preparing evidence for projection

Photographs

Examples: Accident scenes, before and after family photos, injuries, property damage, machinery details, automobile damage, physical exhibits, client activity, maps, etc.

Formats: 35mm prints, digital photos, Polaroid photos, Xerox copies of photos.

Guidelines: Scan the prints unless you already have them in a digital format. Whenever possible, use the original photographs rather than Xerox copies. Glossy 4"x6" photographs work best. If you already have poster-sized photos, you can photograph them. If you have physical evidence such as screws or cracks in concrete that you want to show as a large images on the screen you should photograph them as well. Remember, a defect in a product as small as a dime can be 4 feet in diameter on the screen or even bigger if you focus on a small section of the defect.

Black & white hard copy documents

Examples: Medical records, medical reports, contracts, financial records, books, newspaper and magazine articles, etc.

Guidelines: Scan them using the best copy you have. If there are any areas that you want highlighted you should do that electronically after you have the document in a digital format. If someone else is scanning and electronically highlighting for you, use a yellow highlighter to highlight before scanning, but do not underline. When they scan them as black and white images the yellow will disappear but they can still use the paper copy as a guide to electronically reapply your highlighting. If you prefer color underlining, just highlight in yellow and let them know that you want underlining instead of highlighting.

Color hard copy documents

Examples: Medical illustrations from books, drawing and technical illustrations from books, documents that have been marked up in color by a party or witness in the case, etc. Make sure you have permission to reproduce all copyright protected images.

Guidelines: Scan the best copy you can find and save as .jpg image files. Typically the text, because of .jpg compression, will not be as sharp as black & white documents but they will be acceptable.

Black & white or color electronic documents

Examples: Documents that you or your experts have already prepared in an electronic format; documents such as summary of medical expenses, life care plans, spreadsheets word processing documents and jury instructions.

Guidelines: If you have software such as Informatik Image Driver, you can convert them to a presentation format faster and better than if you scan a hard copy. Electronically highlight them after the conversion.

Medical illustrations & drawings

Examples: MediVisual's™ medical illustrations, engineering drawings, etc.

Guidelines: You can scan medical illustrations, however, if you have them custom made, ask for an electronic copy which will produce better results. Call your illustrator and request an electronic copy by e-mail. For presentation purposes, specify 1500 x 2000 pix resolution at 100 dpi in a medium to high resolution .jpg format. Some illustrators have a small charge for this service. They will let you know when you contact them.

PowerPoint presentations

Examples: Training aids, opening statements and closing arguments, mediation presentations, etc.

Guidelines: If you or your experts already have PowerPoint presentations, you can work with them. Many people have entry-level skills with Pow-

erPoint. Keep in mind the basics – don't put too much information on any one slide, kept each slide simple, use 24-point font or larger, use a minimum amount of text and lots of images. Slides are not a good substitute for your notes. Each slide should represent a single concept that you can talk about and not read. Presentation design is a subject unto itself.

Transcripts

Guidelines: If you think you might want to show the mediation team an excerpt from a transcript, load the Court Report's ASCII or .txt into your computer. If you are using Sanction you can quickly convert every page to a presentation ready .tiff image. If using PowerPoint, just copy and past the critical text onto a slide. This is faster and provides better results than scanning transcript pages or retyping parts of a transcript.

Transparencies and Films

Examples: CTs, MRIs, X-rays

Guidelines: Simply mount the films on a light back in a dark room and photograph them. CTs and MRIs provide a unique challenge in that there are many (16 or 20) individual frames on a single film. In order to fill the projection screen with a crisp clear image of a single frame you must photograph that individual frame separately rather than the whole film at one time. If you have 10 films and they have 20 frames each you will have to make 200 photographs even though you might only need 4 or 5 for the trial. This is time consuming and costly. If at all possible, ask your expert to tell you which particular frames he wants to enlarge and show to the jury. Your experts can identify the frames they need with "sticky" notes on the films. You can then send the individual photographed frames to your expert for review and approval via e-mail. Alternately, you may be able to have your radiological service center provide digitalized copies as well as film copies in such places as Diversified Radiological Services, X-ray Medical Services and the medical records departments at hospitals.

Videos

Examples: Edited depositions, unedited depositions, short digitalized clips from depositions, "day in the life of" videos, surveillance videos, animations, DVDs, etc.

Guidelines: Normally any video that is longer than 10 minutes should be played back from videotape or DVD. Consider only using digitalized video clips in .mpg and .avi formats when you need quick, random access to the clips. Normally this is when you plan to use the clips for impeachment purposes. You will show your videos on the same screen as your other exhibits, no television required. You will need powered speakers to amplify any audio that is on the video. If you have to edit your deposition videos, an ASCII or .txt file of the

transcript will help you determine page and line numbers as you move through the video. Sometimes you will have to do in-court editing of videos. The process is the same, pause the video, blank the screen, mute the speakers, put on headphone, play the video past the objectionable part, pause the video, remove the headphone, turn on the speakers, un-blank the screen and hit play. This is always a wonderful viewing experience for the jury. If you are using videotapes you will need a VCR to connect to your projector. You can play a DVD back on your laptop if it has that capability.

Numbering (coding) your exhibits

During a trial it is extremely important that you are able to communicate with quickly with your computer operator and that they respond flawlessly. You do not want to create a long time delay between your command and the operator's response, and you certainly don't want an incorrect exhibit displayed. If you are presenting the information yourself, you need quick, error-free access to your exhibits.

Because you will have random access to all of your exhibits at any time, and there may be hundreds, it is best to assign a unique number to every single exhibit page whether it is a document, photograph, illustration or page from a transcript. If you have already numbered your exhibits with pre-trial exhibit numbers or Bates numbers you can use those numbers. For transcripts, use the first and last initials of the deponent and the page number. For example, page 27 of John Doe's deposition would be JD27.

If you haven't already numbered your exhibits, assign numbers in some logical, easy-to-follow fashion. Here's an example. Let's say you have assigned exhibit number 76 to a three-page nurse's note. You could assign the numbers 7601, 7602 and 7603 to those three pages. If you want the third page of that document on the screen you would look for 7603 or you could ask for page 3 of exhibit 76.

Create a text index of the assigned numbers for documents and a thumbnail index (miniature pictures) of all graphic type items such as photographs, x-rays, etc. Make sure that every page you want to use has a unique number and is loaded in your presentation software with that index number.

Hints on scanning evidence

Here are some general guidelines for scanning your exhibits:

4"x6" Color Photos – Scan at 300 dpi, 24 bit color and save as a large .jpg file (around 300K)

8"x10" Color Photos – Scan at 150 dpi, 24 bit color and save as a medium sized .jpg file (around 300 to 500K)

B&W documents – Scan at 300 dpi, 1 bit black & white and save as a type 4 .tiff document.

Practice, Practice, Practice

If you don't use presentation software and multimedia equipment on a routine basis you should practice in your office until you can not only make everything operate and run flawlessly but can also quickly troubleshoot any problem you might have with your equipment of software. Judges seem to embrace multimedia that works and disdain operators who are incompetent. The courtroom is not a good place to practice.

Working with the court

At least one week before the trial, notify the court and the sheriff's office that you will be using electronic projection during the trial. Ask permission to bring your equipment into court for the trial and ask what equipment might be available in the courtroom, as well as accessibility of power outlets, etc. This ensures that the judge is aware and agrees with this and security will let you in during the trial. In a letter to the court you should provide the following:

- Complete style of the case
- Trial dates
- Complete list of equipment you plan to bring and any requests you might have

Conclusion

There is no question that we live in an image sensitive society that is dominated by computers and electronic media of all types. Catering to the jury with effective visuals can only help your case. Bad images, ineffectively displayed can hurt you and your client. Good luck!



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