
Courtroom Technology: Lessons to be Learned From Hollywood

By Rick Kraemer and Naomi Musnicki

For hundreds of years, oratory skills were the primary means by which to persuade a jury. Times have changed. Courtrooms have now become multimedia shows designed to hold the jurors' interest and to convincingly communicate the client's story. In effect, trial attorneys are much like movie directors as they orchestrate the drama played out in court. In addition to creating the "plot" or case theme, juggling clients and witnesses, and playing to the audience of jurors, attorneys must now oversee technical and artistic support staff.

The opening of a trial is much like a movie trailer. It must capture the jurors' interest and introduce the theme of the case. The lawyer's job during the case-in-chief is to develop the theme and build the plot. Professionally prepared computer-generated presentations and visuals will help set the stage of a case theme and help move it along. The jury will come to expect the next visual or computer screen to clue them in on where the attorney is taking them. Just as in the movie business, if the attorney fails to keep the audience's attention, they may lose interest (at least with a jury, they can't walk out).

Technological advances in the courtroom appeared during the mid-1980s when computer-generated charts were used during the Iran-Contra hearings. However, most lawyers continued using simple document blow-ups and hand drawn storyboards to communicate their message. By the late 1980s, electronic projectors such as the "ELMO" and "DOAR" were introduced into the courtroom with images projected onto a screen.

During the 1990s, with the advent of software

programs such as PowerPoint, attorneys began preparing more elaborate presentations and dared to be more creative in court. Now, sophisticated trial presentation systems, which allow for graphics and moving imagery, can often be found at trial. With these systems, each individual document, chart and video recording has its own individual bar code and when the code is scanned, the data is instantly and easily retrieved and used during the course of the trial. Timelines, depositions, written documents and pie charts can be incorporated into the high tech presentation.

Video presentations can be powerful. Taped depositions, where body language, eye contact and vocal inflections otherwise lost when an attorney

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reads the deposition in court, are there for all to see on videotape. Location videos are also impactful. Often a description or even a photograph of a location that bears importance to a case cannot compare to videotape footage.

Presentation Preparation and Cost Estimates

Proper preparation is key to a successful multimedia presentation. Lead time should be at least six to eight weeks to allow for compilation of materials, script writing, graphic design and final editing. Ideally, an

attorney will want graphics and video professionals in place before discovery. These experts should have trial experience and understand the legal restrictions on how evidence can be presented in court.

While most attorneys develop their case based on legal theory, these professionals will help develop strategies from a visual and presentational standpoint. With attorney input, the graphic artist and video technician can develop a “storyboard,” including color schemes, type size and style that will present the data in clear, simple terms while invoking the desired emotions from the jury.

Technology sometimes comes with a steep price tag so it is important to establish a presentation budget early on. The cost for electronic presentations ranges from \$500 per day for a simple projector and screen rental to as much as \$3,000 per day for computer and monitor rental and for retaining the services of a skilled technician to run and maintain the system (Most lawyers should not attempt to present a case and run the technical elements of the presentation). These budget figures do not include the cost of attorney time or the time of the “special effects” team to put the presentation together. Backup software and hardware is also needed in court in case the primary system crashes. Depending on the complexity of the case, technology costs can run as high as \$100,000.

Attorneys run the risk that the judge may not allow the presentation in court. If an attorney is unsure how the assigned judge views multimedia displays, other attorneys who are familiar with that judge should be contacted for their input. Spending thousands of dollars on a presentation only to find that the judge still likes to hear cases the old-fashioned way may be difficult to explain to the client.

Is the cost and time invested to create such elaborate presentations worth the price tag? If the case is document-intensive and complex, the answer is yes. Attorneys need to make complex issues easy to understand for the jury. Interesting graphics can bring dry material to life and hold the jury’s attention for longer periods of time. If the case is simple, however,

the visuals can be easily confined to documents projected on a screen or mounted on a board to keep graphics costs to a minimum.

Technology and the Jury

Technology and visuals in the courtroom are essential because of the way jurors now perceive the legal system and how they have come to absorb information. Through televised events such as the O.J. Simpson trial and countless “real life” courtroom and legal programs like “Court TV,” jurors have come to

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expect well-produced professional presentations—the kind they see weekly on their favorite television stations.

We have become a visual society. Jurors, like the rest of us, process the information they receive primarily through sight. With visual electronic information sources (i.e., the Internet, television) dominating our daily lives, the need for visual presentations in court is becoming even greater.

Technology and Graphic Use Throughout Trial

Using multimedia technology during the case-in-chief portion of trial allows jurors to view and follow supporting documents while the lawyers present their case. Lawyers should consider mixing the video presentation with static charts and graphs to keep the jurors’ interest level high. During opening statements, however, simple trial boards can have a stronger effect. The “special effects” of a multimedia presentation can be dazzling but overwhelming at the outset of trial. The message can be easily lost and eventually do more harm than good. Unlike computer-generated information that disappears as soon as the computer screen is turned off, static charts, graphs and timelines can remain on display in front of the

jury for as long as the judge allows. The same holds true during closing. Simple boards that highlight the strongest points in the case can be much more memorable at closing than a video presentation.

With so many presentation tools and options at the trial attorney's disposal, it is easy to see how trial preparation can become overwhelming. It doesn't have to be that way. Trial attorneys, much like directors on a movie set, should focus on the big picture and oversee the action, not try to micro manage the computer-generated presentations. Finding competent, experienced technicians and artists will take a tremendous burden off the attorney's shoulders and allow full concentration on preparing for trial.

No matter how much sophisticated equipment is used during trial, ultimately the only issue that matters is how the story plays before the audience (in this case, the judge and jury). As with a movie director, the success or failure of the presentation rests with the lead attorney. The tens of millions of dollars that were spent on computer special effects on "Titanic" were

used effectively in the context of the human tragedy that unfolded on screen. The millions of dollars for special effects spent on the lifeless "Waterworld" was money down the drain. Lawyers must remember that human interest stories are what keep the jurors' attention and a slick media presentation won't mask a weak case.

One thing is certain: we can never go back to the days when jurors were satisfied with receiving information through only verbal communication, just as we can never go back to black and white television sets and 286 PCs. Regardless of how sophisticated the presentation techniques, jurors must still feel that the lawyers have provided them with impartial information that will allow them to render a decision.

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