

LOUISVILLE BUSINESS FIRST

MARCH 13, 2009

THE LAW

BIZTRENDS



Don Cox, an attorney with Lynch, Cox, Gilman and Mahan, uses software programs such as Trial Director to help during his presentations of cases to juries and judges. He was photographed demonstrating how he uses the program in courtroom settings.

Ron Bath | Business First

TIPPING

THE SCALES

BY SHANNON LEONARD-BOONE | CORRESPONDENT

When attorney Don Cox joined the legal profession 30 years ago, attorneys could enter a courtroom and present the facts of a case to a jury, simply using paper or cardboard exhibits or simple slide presentations.

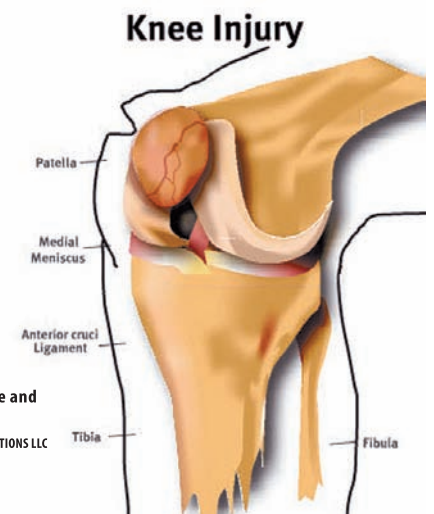
But expectations have changed, and many firms today are using more complicated courtroom technology, according to Cox, senior partner with the Lynch, Cox, Gilman and Mahan PSC law firm.

Cox's Louisville-based firm uses an in-house, trial-management software to track pertinent documents, graphics, photographs and video clips and to create presentations that enhance jurors' understanding of cases.

The illustration at right was created by Power Presentations LLC to help an attorney explain a knee injury to a judge and jury.

ILLUSTRATION COURTESY | POWER PRESENTATIONS LLC

Legal presentations can make a difference in presenting facts in complicated legal cases



Many jurors expect presentations that combine facts of a case with technology

For the past 11 years, the firm has used a software program called Trial Director, which organizes and stores these items for quick retrieval and display in the courtroom. The software's initial cost was between \$1,000 and \$1,500, he estimated.

In some cases, the firm also pays outside vendors to produce more complicated visual exhibits.

According to local firms, costs vary greatly for customized services, depending on the time and work involved in creating exhibits.

Supplementing the facts

The investments are worth it to make exhibits more interesting and understandable to supplement an attorney's explanation, "rather than blowing it by them," said Cox, who works primarily in commercial litigation cases.

Bill Thomas, who owns and operates Legal Avenue Video in Jeffersonville, said in some cases, all an attorney needs is a video to show jurors a typical day in the life of a victim of an automobile accident or someone with a medical malpractice claim.

"It's meant to bring some reality first into a settlement meeting" to illustrate the effect of the injury on a person's quality of life, he said.

In other cases, attorneys want video depositions that show not only the testimony of a witness, but also his or her demeanor — something a printed page can't convey. Video also preserves the testimony of someone who is injured, ill or elderly and might not be able to be present during a trial.

Thomas, who has 25 years of experience producing video and films, primarily for museum exhibits, now focuses on legal work.

He uses a software called Sync to match video with a court reporter's transcription of a deposition. The program allows an attorney to search transcripts, find a particular line of text and access that particular moment of the video deposition for reviewing or playing in court.

Interactive Media Lab, a Web and video-production company, saw enough demand in the legal industry that seven years ago it created a software it uses to create exhibits for law firms, said Dan Galvin, co-owner and vice president of sales and marketing.

The cost of the service is based on the amount of time involved. A simple animation project might cost \$1,000. On the other hand, a six-week trial during which the company manages hundreds of thousands of documents and creates complex presentations might cost a couple of hundred thousand dollars, he said.

"From medical records to contracts to anything in between," Galvin said, the program stores digital documents in a database using barcodes. Once a document is retrieved, it can be displayed for a jury or judge, Galvin said, with the ability to magnify relevant dates or paragraphs.

Adding complexity

In some cases, attorneys need more than simple video, testimony or document displays to supplement or better explain their cases, Galvin said. In those cases, the company's designers create digital illustrations or three-dimensional animation to tell a story, Galvin said.

He recalled one case involving a defect in a power-generation company's turbine that required a great deal of work by the company's team of animators, designers and programmers.

"We were able to go in and put together an animation that showed them how this piece of equipment worked, where the defect was ... and show them what happened" when it failed, Galvin said.

Beyond the facts

Besides simplifying evidence, good presentations also can evoke emotions in jurors by strategically using color and other graphic-design elements, Galvin said. And with "multi-sense learning," combining video, audio, movement and text, a client's desired message can be better illustrated, understood and remembered, he said.

And, almost as important, "it can help bring technology to the courtroom," Galvin said. "It's what people expect."

Rick Coulter, co-owner of Louisville's Power Presentations LLC, agreed, noting that television shows such as "CSI" have exacerbated the need to use technology in the courtroom.

Coulter, who has worked for 25 years as a court reporter, opened his firm in 1998. And it now has two full-time and three contract employees.

The firm offers services such as video-to-text synchronization, animation and illustration services, computer animation and digital timelines that allow information to pop up when the computer's cursor is moved to a certain timeline segment.

Attorney Cox recalled an auto accident case about 15 years ago that used a cartoon-style illustration of an accident to help rec-

reate the chain of events. And in a complex patent case in Houston years ago, he remembered exhibits being used heavily to help jurors understand weighty concepts by breaking down the information in understandable snippets that held their interest.

"When you've got technical stuff, jurors expect to see a technical presentation," Cox said.

Too much technology

However, Coulter noted, there's also a danger of being perceived by jurors as too flashy in presentation to compensate for a case lacking substance. Or, in some smaller towns, jurors might see a complex presentation from a Louisville attorney with multimedia prowess as a sign the lawyer is trying to overwhelm a small-town attorney with fewer resources.

"I think the more simple (presentations are) fine," Coulter said. "It probably is helpful too. ... I think that you can be too fancy, and I think that takes away from it."

Thomas, of Legal Avenue Video, said though companies are perfecting the use of three-dimensional animation to re-create incidents in court, sometimes you just need to convey a basic idea of what happened.

"At a certain point, you don't need hyper-realism," he said.

Still a place for paper

Despite the growing complexity of legal exhibits, there's still a niche for lower-tech versions, according to Tom Osborn, general manager of Hurt Legal Document Services in Louisville. The company creates trial exhibits such as foam boards with graphics and text that can be displayed on an easel.

In business since 2001, Hurt Legal Document Services, a sister company of Hurt Printing, also scans legal documents that can be loaded into slide show presentations and shown on a large-screen projector in court, he said.

While words and photos flashing by on a screen can have their own impact, it can be more dramatic to leave a solid foam board exhibit in court as a constant reminder to jurors of the points conveyed, Osborn said.

"I think the demand will actually be there for that trial board, even with the technology," he said.

The cost of these boards varies by size and complexity, from a simple black-and-white format for \$25 to a 30-by-40-inch color board for \$120. Sometimes attorneys will order as many as 20 or 30 of these boards per case, he said.

"It can get costly," Osborn said.



Coulter