

LITIGATION IN THE DIGITAL AGE



presented by

GEOMATRIX

PRODUCTIONS INC

COMPREHENSIVE LEGAL VIDEO SERVICES

Technology has revolutionized the way evidence is presented in the courtroom. Video, high-definition medical imagery, and animated graphics allow attorneys to present the facts more clearly than ever before, for both juries and judges.

www.GeomatrixLegal.com

www.GeomatrixLegal.com



LITIGATION IN THE DIGITAL AGE

Table of Contents

▶ Preparing for Your Electronic Trial	4
Digitizing Exhibits	5
Pre-marking.....	5
▶ Video Depositions	6
Scheduling	7
Recording Location Requirements	8
Picture-in-Picture	9
Synchronizing the Video with the Transcript	10
Why Sync at all?	10
Delivery Formats	11
Video Depositions at Trial: Editing Objections	12
▶ Electronic Trial Support	13
Document Projection and Physical Evidence.....	14
Trial Director	15
Closing Arguments & PowerPoint Presentations	15
Equipment Considerations	16
Equipment Guide	17
Courtroom Playback: Securing Permissions	19



Preparing for Your Electronic Trial



Running a successful electronic trial requires coordination between litigator and technician to ensure success.

Establishing contact early is essential. In an hour-long planning session with your trial tech you will be able to share media files, digitize hardcopy, and plan for the creation of any timelines, diagrams, or highlighted documents that the presentation will require.

Getting started is relatively simple, but as you begin to plan your trial, there are a few noteworthy issues:

When dealing with digital images and documents, always try to secure a copy of the original file. Scanning printed or copied documents can result in a significant degradation of quality. Although a degraded image might look fine at normal magnification, it will become pixelated or blurred if it is enlarged. This can become an issue at trial, when specific details of an image need to be scrutinized closely.

Digitize any exhibits you plan to display in court and provide them to the technician. This will make it easy to display, highlight, and magnify the files at any time during the trial. Be sure that they are scanned at a resolution of 300 dpi or higher, to avoid the potential magnification issues discussed above.

If possible, get your **exhibits marked for trial before providing them to the technician**. If the digital file names are consistent with hardcopy labels, the trial tech will be able to respond quickly if it becomes

necessary to deviate from the planned sequence of slides and videos. Bates stamps are a good alternative if pre-marking is not possible.

If your evidence includes video depositions, it is best to pursue a judge's ruling on any potentially objectionable testimony in advance of the trial. This gives the technician time to execute edits. If it is not possible to get an early ruling, be sure to request synchronization of the video and transcript well in advance of the playback date in order to minimize delays during in-court editing.

After you have provided the necessary materials and planned your digital presentation, it's time to resume your usual pre-trial routine. Remember, the purpose of employing a trial tech is to delegate the task of running the visual side of the presentation to a dedicated and experienced professional; leaving you free to focus on the content of your argument.



Video Depositions



Pre-recorded testimony is often the centerpiece of an electronic trial.

Unlike a written transcript, video testimony captures the facial expressions and body language of the witness. Jurors will make good use of these nonverbal cues as they work to determine whether a witness is trustworthy. Since the average juror consumes the bulk of their media diet in video format, they are likely to have a great deal more experience parsing visuals than text. Allow them to expend maximum energy analyzing the substance of the material they observe.

Video depositions also allow medical experts and other professionals to appear at trial without the risk of last-minute cancellation. The presence of a camera helps to discourage misconduct and keeps unruly witnesses and litigators on their best behavior. Unlike in-court testimony, pre-recorded depositions are an entirely known quantity, making it easier for you to plan your moves in advance.



Professional videographers are experts in capturing electronic testimony. These media specialists use multiple microphones to balance audio properly even when the witness is whispering and the examiner is shouting. In addition, they generally record a redundant backup on-site to ensure that a corrupted recording will never invalidate your efforts.

► Scheduling

It is easy to schedule a video deposition; simply contact a local legal video production firm to have a videographer assigned to your case. It is best to schedule at least a week in advance to ensure that there are videographers available. Although it may be possible to schedule a recording on short notice, caseloads are in constant flux, and there are a limited number of professionals working in the field. Keep in mind court reporters are typically more abundant than videographers, because their services are required by law during every deposition. The earlier you secure

the availability of your videographer, the lower the chance that the deposition will need to be postponed.

When you are reserving a room for the proceedings, be sure that the space is open and available one hour prior to the scheduled start time. Video and audio recording equipment is complex and takes time to set up. Most experienced videographers arrive one hour early to ensure that there are no delays, so be sure that staff are on-site to guide them to the staging area and open any locked doors.

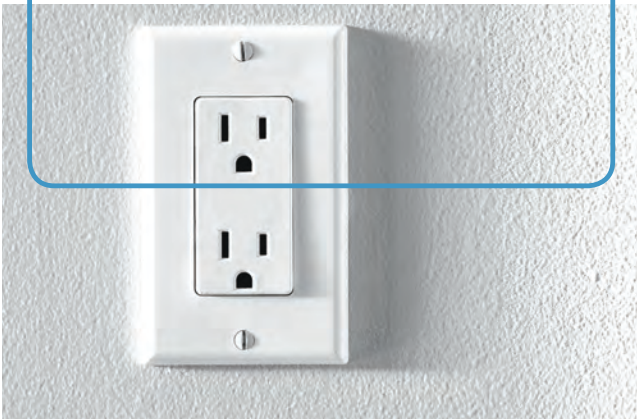
► Recording Location Requirements

If you're not sure which room to choose, consult the following list of room selection criteria:

Video Deposition Room Selection Criteria **REQUIRED:**

1. At least one available power outlet

x 1



2. At least five chairs

(for the witness, the court reporter, the videographer, and any additional counsel that will be present in addition to the direct and cross examiners)

x 5



RECOMMENDED:

3. Adequate table space for evidence, case binders, and attorneys' laptops
4. Bright lighting
5. Blinds covering any exterior windows
6. At least one opaque wall (in case of glass walls, request a backdrop)
7. AVOID rooms with skylights

Recording is still possible even when the recommended criteria cannot be met. Most videographers are accustomed to working in cramped doctors' offices and waiting rooms. However, to ensure that recordings conform to the standard of quality that is expected in a court of law, it is best to meet all criteria listed above.

Videographers are trained to notify all parties that a recording session has been initiated or terminated by announcing "[On/Off] the record at [Time of day]." Please wait for this announcement before commencing

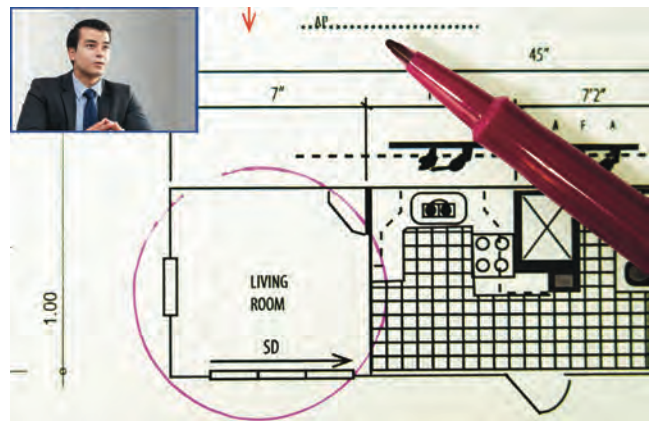
your examination, and refrain from making any confidential remarks until after the videographer has confirmed that the equipment is offline.

At the conclusion of the deposition, you and the opposing counsel will be able to order copies of the media in various file formats.

► Picture-in-Picture Video Depositions

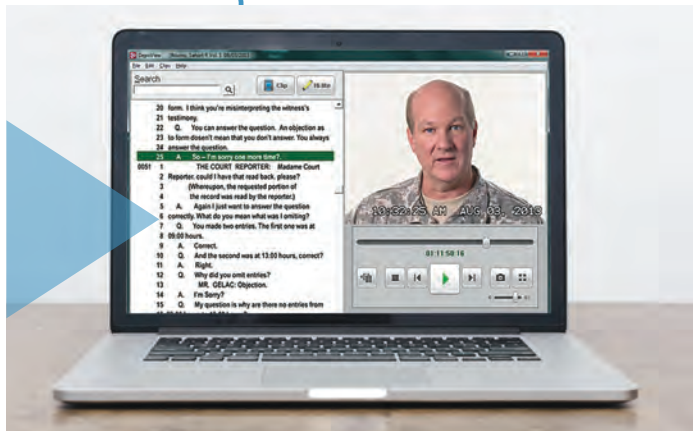
If you are planning on introducing several exhibits in a deposition, it is vital to capture those exhibits in detail. There was a time when the only option was for the witness to hold the exhibit up or turn the laptop screen to face the camera.

With Picture-in-Picture technology, exhibits displayed through a document camera (ELMO), laptop, or iPad to be integrated directly into the deposition recording. This allows the viewer to see the exhibit as the deponent interacts with it, preserving the continuity of the deposition and creating a more compelling video.



► Synchronizing the Video Record with the Written Transcript

A standard video deposition is key for capturing witness demeanor, but if significant review or redaction will be necessary, transcript synchronization is essential. Synchronization indexes the video by page and line number, enables text-based searching and navigation, and can embed an auto-scrolling text transcript alongside the video playback window. Essentially, syncs make searching the video as easy as parsing the transcript.



Synchronization gives attorneys, editors, and trial techs the ability to jump instantly to any relevant segment of the video record simply by typing a phrase from the transcript into a search bar. **This tool is powerful for three reasons:**

1

Deposition video/transcript synchronizations make pre-trial review of video much more efficient. While preparing arguments, an attorney can jump to each mention of relevant subject matter with just a few keystrokes. The most persuasive clips can then be imported into PowerPoint and inserted into a closing presentation or replayed live for a witness to elicit or impeach testimony. These powerful clips convey more information than a simple transcript. If a witness with wandering eyes takes a suspiciously long pause before answering a question, only audio-visual documentation can accurately convey this to the jury.

2

Synchronizing reduces turnaround time if the deposition must be edited before presentation to the jury. Even Picture-in-Picture depositions can be synched and edited quickly.

3

Synchronized depositions can be instrumental in witness impeachment. When discovery depositions are synched, they can be used to underscore evasive witness behavior or outright self-contradiction in court. As directed by the attorney, the technician can punctuate the witness' statements with video clips that highlight discrepancies. Traditionally, lawyers could only read back transcript excerpts, or ask witnesses to read them. Now, witnesses confront their own reflections in a virtual mirror, the inconsistencies in their accounts placed side-by-side for jurors to see.

► Depo Type Comparison Chart

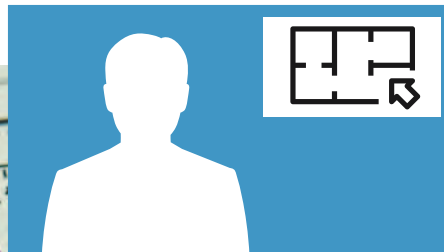
Video Depo



It is important to understand the capabilities of different file and media formats. It is essential that you communicate your needs clearly. If you will be working with a technician, be sure to utilize their expertise on this issue. If you are dealing with recordings generated by a third-party, be sure to provide these materials to the technician as early as possible, so that any formatting issues can be resolved.

Videographers typically publish media to their clients within one week of the deposition. However, most are accustomed to working under time constraints, and will typically be able to accommodate emergent situations. Consult your videographer about expediting policies.

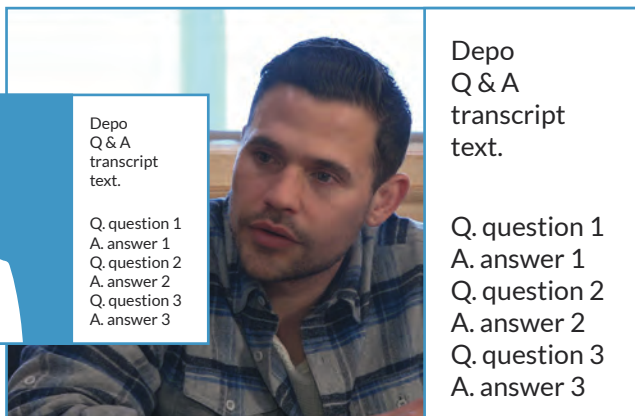
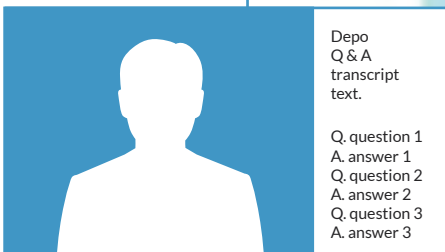
PiP Depo



FORMATS

- 1. MP4 Link**
(standard format; the video is uploaded to a secure cloud server and a download link is sent to your email. A unique password will allow you to download it to your PC or Mac.)
- 2. MP4 Disk**
(alternative format; if your firm's firewall blocks download links, the video file is burned onto a DVD and mailed to you)

Sync



Depo
Q & A
transcript
text.

Q. question 1
A. answer 1
Q. question 2
A. answer 2
Q. question 3
A. answer 3

Q. question 1
A. answer 1
Q. question 2
A. answer 2
Q. question 3
A. answer 3

► Video Depositions at Trial: Editing for Objections

Whenever a deposition transcript is redacted according to a judge's ruling, it is necessary to edit the video recording in order to eliminate the inadmissible testimony before playback at trial. If it is possible to provide your video professional with a redacted transcript in advance of the scheduled playback date, then editing can be completed with a full suite of tools and software at the editor's disposal. This is the best option, as it will produce the most polished product: cuts will fall cleanly between words, audio interference will be mitigated, and overall picture quality will be optimized.

If there are last-minute redactions made immediately before playback, it is still possible to implement changes to the video. This process can be executed with relatively little delay if the transcript is synchronized, but when working with a standard video deposition, the judge and jury will have to wait in silence while the technician skips over the redactions. Because standard video

depositions are not indexed, changes must be handled manually-by switching output from the projector and speakers to the technician's monitor and headphones. This means that edits must be done in real time: If two minutes of the transcript must be removed, then the judge and jury will have wait two minutes for playback to resume.



Electronic Trial Support



In this Digital Age, electronic presentation is expected. Your juries are used to PowerPoint and video, and learn best with a combination of verbal explanation and visual aids. Every case has different needs and making the right decisions about which equipment and software to use is necessary for making your digital presentation compelling.

ELECTRONIC TRIAL SUPPORT

The number of exhibits in a case can determine whether using a document camera or trial presentation software would be more efficient; but you must also consider the type of exhibits and the courthouse when choosing what equipment would best display your vital evidence.

► Document Projection and Physical Evidence

With the help of an ELMO document camera, printed documents can be transformed into electronic evidence in real time. Rather than passing around a binder, photographs, or even objects, counsel can project and magnify them for all to observe simultaneously on a large-format screen. This capability can prove invaluable during impeachment of an evasive witness who has contradicted previously documented statements, or other forms of documentary evidence. It also eliminates the unnecessary delay that can occur when one member of the jury examines a piece of physical evidence for longer than expected. Document cameras allow the jury to view a witness' interaction with an exhibit; having a witness use a scene photo under a document camera to walk through the order of events allows everyone to easily follow along.





► Trial Director

When working with numerous documents, organization is key. Hardcopy exhibits can take time to flip through and locate, but digital files can be called up in seconds. Trial presentation software can load in all your PDFs, photos, animations, timelines and videos, and organize them by name.

With all your exhibits digitized and organized, a trial tech can proceed in unison with your questioning, immediately pulling up any exhibit you present to the witness. The court and jury will be able to follow along as the trial tech displays the pertinent pages

up on the screen. Highlights and zoom-ins will focus juror attention on key evidence and keep everyone on the same page. Your questioning will no longer be interrupted by needing to retrieve physical exhibits.

► Closing Arguments & PowerPoint Presentations

Although most litigators are proficient in Microsoft PowerPoint, trained technicians are capable of utilizing the software to its full potential. Using Adobe Creative Suite and other professional graphics software, they can generate custom diagrams to help illustrate a timeline of events, complex relationships between individuals, or the circumstances of an accident.

After creating an outline of your closing argument, have a discussion with your technician about the ways a professionally produced presentation might help articulate your ideas more clearly.

► Equipment Considerations

The equipment you will need depends on the evidence formats you will present. Here are some questions you should be prepared to answer before contacting your local video professional:

► 1. Do you have any video files?

- A. Are they DVD format, or will they only run on a computer?
- B. Do they have an audio component?
Is the dialogue clearly audible?
- C. Are any of your files depositions?
If so, are they synchronized?
If not, are digital transcripts available?
(.PDF files will not work)
- D. Will further editing be necessary?



► 2. Do you have any audio files?

Are they on a compact disk, or stored on a computer?
Do these files have a lot of background noise?

► 3. Do you have any digitized documents or images that you would like to display on the projector?

Can you get access to the originals if your files are compressed?



► 4. Are you planning to develop a digital presentation for your closing arguments?

► 5. Will you require an ELMO document camera to display items on screen that have not been digitized?

► Equipment Guide

► 1. Projector and Screen:

Creates a large cinematic image that can be seen clearly from across the courtroom. Large and small sizes are available for different venues.

a. Pros:

Display video and documents on a single large screen. A laser pointer can be used to direct all viewers' attention to a single point.

b. Cons:

This is a single display setup: in some courtrooms, two separate displays might be required to accommodate both the judge and the jury. In courtrooms with many windows or skylights, the projection may appear dim.



► 2. LCD Displays:

When a courtroom is too cramped to accommodate a projector, one or more LCDs may be used to ensure that the judge, jury, and opposing counsel can all observe electronic presentations simultaneously.

a. Pros:

Highest picture quality. Bright enough for sunlit rooms. Can accommodate courtrooms that are too cramped for projectors. Multiple units can be used when judge and jury are oriented in a way that requires more than one screen.

b. Cons:

More expensive than a projector. More complex.

► 3. ELMO Document Camera:

A real-time document camera that, in conjunction with a projector, can enlarge objects, images, and paper documents, and display them to the courtroom.

a. Pros:

ELMO can be used without a technician present. No digitization necessary. Capable of projecting enlarged images of physical objects, the best way to exhibit physical evidence.

b. Cons:

Less versatile than computer-enabled presentation (jury can see you flipping through the pages by hand). Cannot play video.

► Equipment Guide

► 4. DVD Playback:

Facilitates playback of DVDs, but cannot handle other file formats.

a. Pros:

Simple and reliable.

b. Cons:

Will NOT play compressed video files, such as .mp4 and .mov.

► 5. Computer Playback:

Can play video of virtually any format, manage presentations.

a. Pros:

Can play all video formats, run PowerPoint presentations, and Trial Director software software.

b. Cons:

Book early to ensure availability.

► 6. Sound:

Some surveillance videos are silent. Playback of all other video evidence will require amplification to be heard clearly across the courtroom.

► 7. Remote Slide Advancer:

Control the advancement of PowerPoint slides without leaving the podium.

► 8. Laser Pointer:

Direct the jury's attention to key features of the evidence. Not recommended when multiple displays are in use.

A black and white photograph showing the upper portion of a classical building facade. Three large, fluted columns with ornate Corinthian capitals are visible. Above the columns, a horizontal band features the words "COURT HOUSE" in large, serif capital letters, separated by small dots. The top of the image shows the decorative cornice of the pediment.

Often, courtroom layouts present challenges for video professionals. Some rooms are too cramped or have too many windows to accommodate digital projection equipment. Other configurations require multiple screens to ensure that all parties are able to observe the evidence. Your technician may also be able to provide additional insight about the potential physical limitations of a given courthouse or courtroom.

4:21 PM

100%

REQUEST TO BRING ITEMS INTO THE COURTHOUSE
JD-CV-85 Rev. 4-13
P.B. Sec. 1-10

Instructions to the Party Making the Request
First or type all information requested and file with the Clerk's Office. If granted, present signed request to the Marshal at the courthouse entrance on the day(s) of the hearing or trial.

Instructions to the Clerk
After the request is received by the judge or magistrate, ensure that the original is copied, if appropriate, and placed in the court file. Provide a copy to the party making the request and, if granted, a copy to the Court Judicial Marshal or his or her designee.

ADA Notice
The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

COURT USE ONLY
AVREQ

Case Information

Name of Case (For non-case/petition / For non-case defendant): _____

Address of Court (City, Street and Floor): _____

Name of Judge or Magistrate Presiding Over Trial or Hearing: _____

Session Number: _____

Date(s) of Trial or Hearing: _____

Request I am the:

☐ Plaintiff ☐ Defendant ☐ Attorney For Plaintiff/State ☐ Attorney For Defendant ☐ Other (Specify): _____

I request permission to bring the following item(s) into the courthouse for the hearing or trial indicated above:

☐ Audio/visual equipment (Specify): _____

☐ Large and/or unusual exhibits (Specify): _____

☐ Other (Specify): _____

I need to bring the item(s) for this hearing/trial for the following reasons:

Signed (Party making request): _____

Name of Attorney or Self-Represented Party (Print): _____

Address of Party Making Request: _____

Telephone Number (Print with code): _____

Firm Name (If Applicable): _____

Date of Request: _____

Certification

I certify that a copy of this document was mailed or delivered electronically or non-electronically on (date) _____ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that today was mailed or delivered to:

If necessary, attach additional sheet or sheets with name and address which the copy was mailed or delivered to.

Mailing address (Number, street, town, state and zip code): _____

Print or type name of person signing: _____

Date signed: _____

Telephone number: _____

Order

The request to bring the item(s) listed above into the courthouse above having been considered, it is hereby ordered:

Name of Judge/Magistrate (Print): _____

Signature: _____

Date of Order: _____

GEOMATRIX

PRODUCTIONS INC

COMPREHENSIVE LEGAL VIDEO SERVICES



To learn more, please call us at

203.389.0001

or visit www.GeomatrixLegal.com

Win more cases. Win more verdicts. Win more new business.