## Go Beyond PowerPoint to Make Your Case

C.C. Holland
Special to Law.com
April 7, 2008

When it comes to presenting a successful case in court, evolution is everything. As the traditional whiteboard-and-photo-enlargements approach gives way to multimedia testimony and computer animations, smart attorneys and paralegals are following suit by ramping up their presentations to stay current and connect with increasingly tech-savvy jurors.
The benefits of using cutting-edge technology to support an argument include: entertainment, especially for jurors used to constant media interaction; engagement, by keeping jurors interested in what's coming next; and education.

"One of my favorite examples is a product-liability case, where the defect was a bent tooth in a gearshift," says Noelle Nelson, a clinical psychologist and trial consultant based in Malibu, Calif. "An X-ray showed the actual teeth, computerized animation showed how the teeth should mesh and what happens because of a bent tooth ... [along with] other video, the whole was inserted in a true story-telling PowerPoint presentation. Frankly, the jurors just wouldn't have seen for themselves how the product was defective without the benefit of these tools. And when it comes to jurors, seeing truly is believing."

But just because you know how to fire up a computer screen doesn't mean you've made the grade. Technology is constantly changing and evolving, so it's crucial for attorneys and paralegals to stay up-to-date. "Many attorneys who've been around forever have no clue as to what's available right now," says Charles Perez, a litigation support expert for Video Resources. Yet when legal professionals discover the capabilities of new technology, he says, "they become converts. It's like introducing people to color TV."

There are a variety of software and hardware options out there for courtroom presentations, but this list can get you started on the road to multimedia mastery.

**POWERPOINT AND FLASH**
Microsoft's venerable presentation software, long a stalwart of corporate America, is a common courtroom tool and is relatively easy to learn to use. "PowerPoint is an excellent way of keeping the jurors focused on the lawyer's interpretation of the facts," says Nelson. PowerPoint allows for the integration of video, custom layouts and the manipulation of charts, text, tables and other presentation elements.

But experts say amateurish use of the software can lead to a fate that Perez and many others call "death by PowerPoint." "How many PowerPoints has the jury seen in their lifetimes, and are you just reading to them from bullet points?" he asks. "If so, you're probably putting them to sleep." Perez can wax eloquent on the subject (in fact, he does so in his blog, Trial Presentation BLOG), but the bottom line is that traditional old-school PowerPoint won't win over the jury. "If you're going to use it, do yourself a favor and read some of the great books out there and really master it," he advises. For Mac users, the same caveats apply to Keynote, that platform's presentation application.

Flash technology, introduced in 1996 by Macromedia and now distributed by Adobe, is a favorite for Web developers for adding animation and interactivity in Web pages and applications. It can also create powerful presentations for use in the courtroom setting.
"Flash allows the presenter to have all the information available to them to be presented at any time," says Chris Ritter, chief of visual trial strategy at The Focal Point. He cites as an example of Flash's versatility a case in which a client wanted a central graphic platform upon which he could display all his

evidence in a case involving faulty hardboard siding. "So we used Flash technology to create a graphic that included a three-dimensional house that rotated and had 'hot spots' that were linked to an index of photographs, videotaped depositions, documents, animations and charts to which the attorney and witnesses could refer during trial," he says. "This organizational platform allowed the lawyer to tell a coherent story in a way that engaged and educated both the judge and jury."

**BEYOND THE BASICS**
Courtroom presentation software packages like Sanction, Summation and Visionary have been around for years, and the latest iterations have a full complement of bells and whistles. Most can link audio and video clips to exhibits, import and point to transcripts and exhibits, create databases that are at least somewhat customizable and allow users to search through data. Unfortunately for Mac users, most of these applications are for PC platforms; Apple devotees can, however, look to Clarity Legal Software's TrialSmart or other software for similar capabilities.

While all of these can be mastered by an attorney or paralegal willing to put in the time, having an outside expert at the helm can pay bigger dividends, according to Scott Duval, vice president of presentation technology consulting for Kroll Ontrack's TrialGraphix. "Although each piece of software has a few features that might separate it from the competition, the difference lies more in the person running the system and managing the database then it does with the application," says Duval, whose team uses a custom-created tool called Exhibitor.

Adobe Systems, headquartered in San Jose, Calif., is the go-to name for design professionals. They offer a wide range of products for building and editing graphics, photos and other visual aids. However, their role is best left in the background as production aids, says Duval: "Applications such as Photoshop, Illustrator, Acrobat and others are important to help create content for your presentation, but should not be utilized as presentation tools."

Your software might be great, but showing a killer multimedia presentation on a dingy black-and-white screen won't win you any points. It's critical to ensure that your hardware keeps up with your software. Many courtrooms are now wired and include amenities like plasma or projection screens, but those items are also available for rent. The familiar ELMO document projector has evolved into a sleek digital tool with plug-and-play connections. Tape recorders have given way to digital audio recorders (use the fastest speed for optimum quality, warns Perez), digital cameras boast ever-improving resolution, video teleconferencing equipment can help off-site witnesses offer testimony and touch-screen monitors allow attorneys to annotate exhibits shown on jurors' monitors.

**OVERWHELMED? OUTSOURCE IT**
For many attorneys, setting aside the time to research new technology options and master the learning curve just isn't possible. And even if an attorney is confident in his abilities, the chore of running his or her own show in court can detract from the overall case presentation. Either way, using an outside litigation support firm can help. "We have seen attorneys create elaborate presentations only to have them slow down the argument, as they pause to figure out what the next slide is," says Duval."We recommend enlisting the services of a presentation provider, or at a minimum, assigning a team member to oversee the creation and execution of the presentation." If you rent equipment, says Perez, let your provider do the setup as well." It's always a good idea to use that service -- for example, if a bulb burns out, they have a backup," he says.

While all this high-tech help has a place in court, don't overlook the more pedestrian elements that can provide impact -- things like whiteboards, photo enlargements, blackboards, charts, models and props. "Mixing it up in the courtroom will help sustain your jurors' interest," says Ritter. And they bring their own benefits as well: "If you're using an electronic presentation, a board that makes an important point can be discussed, and then be left up in the courtroom as a constant reminder to the jury; using a blackboard to demonstrate a well-rehearsed drawing gives the appearance of spontaneity and makes the attorney seem more 'teacherly' and approachable," he adds.

And there's one final caution to attorneys ready to jump into the deep end of the technology pool: Take care not to let the medium obscure the message. "When a presenter is in front of his or her audience, technology should not be the focus, but rather a critical aid to the success of the presentation," warns Duval. Adds Ritter, "Both high-tech tools and low-tech tools can be used effectively to tell a story. But a poorly constructed story presented using expensive tools is still a poorly conceived story."