

## asked & answered

The one technology tool that made a difference in a recent trial involving my firm was Microsoft PowerPoint 2003, which the trial team used extensively in our opening statement. PowerPoint allowed us to effectively outline our main points, highlight images of our documents, and smoothly animate certain diagrams and exhibits.

The other side used foam boards to present their arguments instead of a PowerPoint presentation. Some would argue that static boards keep their favorable points in front of the judge, while PowerPoint slides flick by too fast. While I agree with that statement, and each trial requires a different approach, PowerPoint can be an effective tool if used properly. Our trial team used tried-and-true bullet points in PowerPoint, but we highlighted each of our points one at a time, and referred back to them throughout the presentation.

We also incorporated video clips from depositions into our PowerPoint presentation. Using videotaped testimony was much more effective than simply reading text from a transcript. A fade-to-black slide transition ensured the videos appeared effortlessly.

For certain slides, we took advantage of PowerPoint's animation pathing feature, which allowed us to gently animate certain text boxes and other parts of our diagrams. Since we used a dual-monitor setup, I personally appreciated PowerPoint's "Presenter Mode," which allowed me to see what slides were coming up next on my PC's screen, while everyone else saw the actual slides up on the projector screen.

**Brett Burney**  
Thompson Hine • Cleveland  
• [brett.burney@thompsonhine.com](mailto:brett.burney@thompsonhine.com)

Fundamentally, the laptop computer is the single most important technology tool I have seen make a difference in trial. Today's small, powerful laptop computers allow attorneys to bring their offices on the road and be better prepared before and during trial.

During a trial in California last year, I used my laptop computer throughout the entire process. I loaded all of my electronic practice guides on the computer to address those off-the-wall evidentiary issues that always arise. I loaded an electronic copy of every deposition into RealLegal Binder to quickly identify impeachment testimony and review each witness' anticipated testimony without lugging around heavy boxes of depositions. I also took all my trial notes on the laptop (I can type much faster than I can handwrite) resulting in legible notes that actually could be deciphered months later.

Finally, I used PowerPoint during closing arguments, which consolidated the testimony in a professional manner. Opposing counsel's closing argument consisted of barely legible chicken scratches on a 2-to-3 foot paper pad. The result: My clients prevailed against the plaintiffs and won their cross-complaint — a total victory made much easier using a laptop.

**Michael Newcomb**  
Mayfield & Associates • San Diego, Calif. •  
[newcomb@mayfield-law.com](mailto:newcomb@mayfield-law.com)

The one technology tool that made a significant difference in trial preparation and presentation for my firm is Summation. This application enables the user to link deposition and trial transcripts, exhibits, and direct and cross-examination outlines at the press of a button. Summation links with CaseSoft's CaseMap and TimeMap, which simplify and graphically display the witnesses, facts and events of the underlying evidence to be presented at trial. Large databases of documents can be organized with Summation using as many objective and subjective coding fields as desired, which makes preparing for document-intensive cases manageable and gets important documents into the hands of trial counsel earlier. This ability, coupled with TimeMap's ease of use, allows the generation of easy-to-understand and reproducible demonstrative trial exhibits, which are very useful in helping the jury, the court and counsel visually understand the sequence of facts and events. I can't imagine preparing for trial without Summation.

**Mark A. Willard**  
Eckert Seamans Cherin & Mellott • Pittsburgh •  
[mark.willard@escm.com](mailto:mark.willard@escm.com)

A powerful yet user-friendly and inexpensive trial presentation program is Sanction by Verdict Systems. Sanction allows an attorney to quickly assemble and immediately access all case exhibits (documents, photos, charts — anything that can be digitized) for on-the-spot display in court. It also gives the

attorney flexibility. For example, during cross examination, a document referred to by a witness can immediately be accessed for display, then key portions of that document can

be highlighted, using various colors. Key text can be magnified by using the mouse to create a callout box over the text. That way, any portion of any document can instantly be accessed, displayed and emphasized whenever a witness refers to it. The attorney doesn't have to fumble with hard copies, thumbing through trial notebooks or boxes of documents searching for the particular exhibit.

If an attorney uses PowerPoint, the attorney must anticipate each particular document to be used. When the PowerPoint slide is accessed the attorney doesn't have the same flexibility to highlight, emphasize or callout particular text or portions of the document (again, unless they have anticipated them exactly). Sanction also allows an attorney to design video clips to impeach a witness in the most effective way possible: By immediately using not only their contradictory words, but by instantaneously using powerful demeanor evidence of the witness on video with simultaneous scrolling text of the deposition. Sanction's affordable price and user-friendly format have enabled even the smallest firms to find themselves on the cutting edge of visual technology. Sanction adds a higher level of persuasion effectiveness, both in and out of the courtroom.

**Fred Galves**  
University of the Pacific, McGeorge School of Law •  
Sacramento, Calif. • [fgalves@pacific.edu](mailto:fgalves@pacific.edu)

### What is the one technology tool that made a difference in a recent trial?