

Technology helps today's juries to get the picture

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When expert-witness testimony in courtroom trials gets highly scientific or technical, it has to be simplified.

"The closer you can get to 'CSI' type stuff for a jury, the better," said Phillips Lytle LLP partner Paul Morrison-Taylor, referring to CBS' popular syndicated TV drama. To do so, he and other area trial attorneys say technology has become more prevalent when presenting cases in courtrooms.

Morrison-Taylor has been practicing law for 27 years and takes on a lot of personal-injury-defense cases. He said it's becoming more frequent for lawyers, when tapping auto-accident-reconstruction experts, to include a state-of-the-art computer-animation re-creation of the accident, especially when injuries are involved.

"It's becoming more frequent," he said. "More and more plaintiffs are starting to use this kind of thing."

Morrison-Taylor said the video is created once information is gathered regarding how the vehicles struck each other and how the people inside became injured.

And although the characters in the videos are digitized and not even actors, he said the tool is effective.

"It's very useful, and gives the jury a visual and an idea of how the accident and injuries occurred," he said.

Sometimes it's not possible to gather enough information to give an accurate re-creation, and it's not practical for every case.

While he couldn't pinpoint a price range to produce a computer animation, he said it's costly. Sometimes, such a hefty investment is called for.

"When the damages are significant and the injuries serious, it's helpful for doctors and experts to have access to videos and schematics the jury can relate to," Morrison-Taylor said.



Attorneys Richard Braden of Goldberg Segalla LLP, says the use of presentation aids and devices is more common in Western New York courtrooms because they're so effective.

Video presentations common

Trial attorney Richard Braden, a partner at Goldberg Segalla LLP, said videos and computer modeling for presentations of exhibits and concepts are critical, and common for pretty much for any trial.

"Jurors these days expect to be presented with things via video or computer, which also helps get around the boredom that may set in," he said. "It doesn't turn bad evidence into good, but it helps in many ways."

Richard Griffin of Kavinoky Cook LLP has been practicing law 52 years. He talked about how Sanction trial software helps lawyers organize their presentations — witness testimony, videos of depositions or someone being cross-examined, photos, excerpts from contract, a logo in a trademark dispute.

A lawyer usually needs to get presentations or other data to the court days before a trial starts. Griffin mentioned a recent situation he heard of regarding a local attorney in a trademark case in federal court who spent parts of

three or four days in advance of the trial setting things up in the courtroom.

'Elmo' speeds up processes

To walk through a presentation, which may include accentuating points by using laser pointers to single out specifics, Morrison-Taylor and Braden mentioned the Elmo, the brand name of a computerized presentation device, as a helpful courtroom tool.

It allows attorneys to show judges, jurors and opposing counsel exhibits on a screen. There, lawyers can show the kinds of things Griffin mentioned, plus things like the steps of a surgical procedure.

Braden said when a case is paper-intensive, or when there are things he wants to communicate visually, the Elmo is the way to go. He's used one in cases to make complicated accounting issues easier to understand.

"It helps speed things up for everyone, rather than doing it the old paper way," Braden said. "Everyone can see any one particular exhibit as the witness is testifying. That doesn't occur if there's no Elmo system."

Technology to make things easier, video presentations, software for litigators, and hardware in the courtroom all have one purpose, which Griffin boiled down in one simple statement:

"The bottom line," he said, "is effective communication."