

So You're Going to Trial – Now What!?

A Checklist For Today's Trial Presentations

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You've spent months, maybe even years preparing this case. You've traveled the country taking depositions, argued motions in front of the court, helped your clients through tough times as they've waited for this day. For them, the stakes are even higher. You will have other trials, but this is their only chance for justice. Not to worry though. You have a great case, great experts, great witnesses. Jury selection is looming, but you are experienced, confident.

Then you realize: Have you given any thought to how the jury will experience your case? Do you have video to show them? Does it need to be edited? Will opposing counsel raise an objection to it? Do you have documents you want them to see? Photos of the scene? Do you know exactly which ones you'll use? Do your experts? How are they going to show their materials to the jury? Where is all that equipment coming from? Uh oh... you're not as ready as you thought you were!

For as much effort goes into the preparation of a case, important details like these are often left until the day before trial, sometimes even during the trial (you procrastinators know who you are)! While you can't anticipate every eventuality, having a plan in place and sticking to it will let you focus on what's important in the courtroom. The following is a checklist of things that can and should be done weeks in advance of trial to make sure your case does not become about a poorly executed visual presentation.

1) Make a gameplan and stick to it. The earlier in your case you do this, the better

every part of it will be. If you have any electronic files, or plan to convert paper to electronic files, keep them organized in folders, and do the same for each subsequent case. A flash drive or external hard drive is a good way to do this, keeping your case files separate from firm documents and personal files. Are you using your laptop to present your case? You'll need a projector, a stand to put it on, a screen, and, if you'll be playing audio, a speaker capable of filling the courtroom with sound. How are you presenting your key documents to the jury? Also with your laptop? A document camera (ELMO, etc.)? Are you using a television to show video? The court will likely not be providing any equipment for you, so those arrangements will need to be made well in advance.

2) Talk to the other side! Chances are, you will both be using similar types of equipment in court. Find out what they are planning on bringing or renting. You may be able to split the cost or share equipment. There isn't much sense in both sides bringing their own projector, then having to take a recess to break down one and set up the other! What's more, working out deposition designations beforehand can eliminate hours of delays, keeping your trial on schedule and judge, jury and experts focused and happy. This will also keep your experts' costs in line by reducing waiting time you are paying for!

3) Prepare the Court. If possible, get rulings on troublesome deposition designations at pre-trial hearings. If your edits are done ahead of time, you can arrive the morning of testimony confident that all you need do is press "play". This will also eliminate the possibility of long delays waiting for edits to be made. Make arrangements with the Judicial Assistant to set-up what equipment you can the afternoon before trial begins. Tell them how much time you will need to set up your presentation equipment and materials. Again, doing this will help speed up the trial and avoid delays.

4) Practice with your presentation materials. Getting through your opening sitting at your desk is one thing, but walking around the courtroom, triggering a powerpoint, grabbing exhibits, moving easels and everything else that actually goes on in front of the jury is something entirely different. Set up all your equipment and become familiar with it and the associated software before trial begins. The lunch break is not enough time to prepare a smooth presentation!

5) Expect the Unexpected! Be prepared for the worst case scenario, especially when using technology. Carry materials you can make electronic copies with (blank CD's & DVD's, even USB flash drives in smaller sizes are cheap enough to give away or loan out until trial is complete), and have a backup plan! If your case is on your laptop, backup all your files onto a USB flash drive, external drive or, preferably, a backup laptop! We all know computer crashes and malfunctions happen, seemingly at the worst possible time. If your case is duplicated on your paralegal's computer, an otherwise catastrophic situation does not have to wreck your day or even slow you down.

6) Know your limitations. Not everyone on your staff is prepared to handle the latest technology. If you don't know a megabit from a gigabyte, treat yourself to the same care you give your case: hire some experts! You may find their help well worth the expense. A good support company will not only provide you help when you need it most, but also train your staff so they will be ready for the next trial.

Making these steps common practice for yourself and your staff will, without a doubt, save you time, money and stress as you prepare for and execute your trial presentation. Once you are focused on your trial regimen, you may even find more ways to streamline the process so you can be the best counsel possible for your clients.