

Courtroom 2000 Trial Showcases Technology

Using videotaped depositions, rather than just reading from transcripts, enlivened the trial.

BY BRIAN D. DIGIOVANNA

While President Clinton's depositions in the Paula Corbin Jones case captured the imagination of the American public, former British Prime Minister Margaret Thatcher testified via video deposition in a less notorious trial in New York's new Courtroom 2000.

Courtroom 2000, unveiled in Manhattan's Supreme Court in December 1997, is modeled after the showroom courtroom at College of William and Mary's law school in Williamsburg, Va. In a two-year experiment, the New York court will serve as a training facility for attorneys, judges and other court personnel.

The Association of Surrogate's and Supreme Court Reporters in New York City developed the concept and oversaw installation. All equipment for the two-year experiment was donated by DOAR Communications Inc., Stenograph Corp., LiveNote, ASAP Computer, Engineering Animation, I-bid Co., Philips Corp., Ergotron Inc. and Xerox Corp.

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— Brian D. DiGiovanna



says Mr. Shimer.

"The real-time technology... was dynamic," agreed James J. Sabella, co-counsel

for the defense and a partner with New York's Brown & Wood LLP. "Frequently, when you want to ask a witness follow-up

questions, you have to recall how earlier questions were phrased and exactly how the witness responded to them," explains Mr. Sabella.

"With real-time, you can recall earlier questions to the screen and review them. That was helpful. We were always staring at that screen," he notes.

Real-Time Transcripts

One of the technologies used in the Courtroom 2000 is "real-time" transcription. As the court reporter assigned to that

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Ms. Thatcher's testimony in an international bankruptcy fraud trial was considerably more mundane than Mr. Clinton's, relating to decisions she had made about economic development while she was in office. The case, *David W. Allard v. Arthur Andersen & Co.*, 601 473/97, involved charges by the trustee of the now-defunct DeLorean Motor Co. that the company's former accounting firm failed to disclose questionable financial practices to the company's investors and creditors. The jury quickly returned a verdict against Andersen for \$110 million.

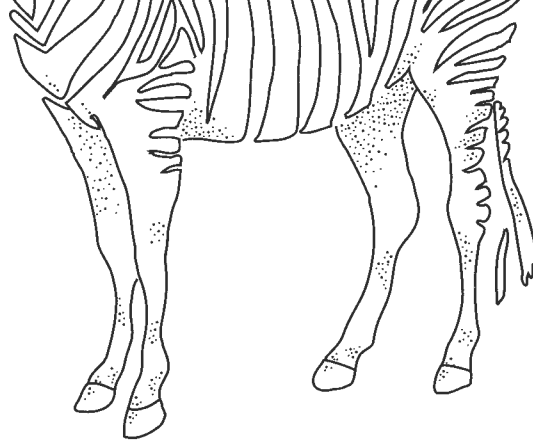
Breaking Tech Ground

But the case did break some new ground: It was Courtroom 2000's inaugural trial. Zachary Shimer, plaintiffs co-counsel and a partner with New York's Chadbourne & Parke LLP, credits the fast verdict in part to the use of technology during the trial.

"The technology is a great advance in explaining difficult information to the jury and keeping the jurors focused on the testimony," he says.

"We put all of the exhibits on CDs, so that at the appropriate time while questioning a witness we could call for an exhibit and it would appear instantly on the screen in front of the jury. If I asked to look at Page 2 of Exhibit No. 265 at the paragraph beginning "X," we could zoom in and highlight the paragraph. In the past, jurors would be busy flipping through pages of testimony and not listening to the questioning. This new technology captured their attention and kept them enthralled,"

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courtroom, I serve as the information manager. Using real-time technology I was able to instantly convert my stenographic notes of testimony into English text, as well as generate same-day transcripts for the case.

For the DeLorean trial, I oversaw the installation of all computers, wiring and switching devices. I was responsible for the overall quality and operation of the technology; including monitoring audio and video levels and controlling evidence display monitors and devices, while doing real-time reporting. The evidence display systems included computerized evidence presentation, an overhead communicator and a whiteboard.

Digital Evidence

All the evidence in the case — approximately 50 boxes of documents, more than 150,000 pages of deposition transcripts

and thousands of hours of videotape — was digitized and presented on CDs via DOAR Communication's Digital Evidence Presentation System, which allowed for instant retrieval and quick display of evidence. Attorneys for either side simply asked for an exhibit and at the touch of a button, it appeared on screens before the jury, the judge and the attorneys.

Two companies prepared the exhibits, DOAR Communications for the plaintiff and Forensic Technologies International Corp. (FTI) for the defense. "The pre-trial work included digitizing 5,000 documents and editing 18 video depositions to three and a half hours," says Gene Klimov, director of systems at DOAR. "Many of the documents were copies of copies that had been collected over the past 13 years and of poor quality," he notes. "However, when they were introduced in trial, those same documents were actually easier to read because we used an Illustrator to

enlarge the portions that needed to be viewed and highlighted key sections in yellow," Mr. Klimov explains.

DOAR took advantage of a document camera to display new paper exhibits. Using the camera, an attorney or technician could place a document on the system and it instantly appeared on everyone's computer screens. "It provided a quicker and easier way for the jury to see documents that were being discussed," says Mr. Klimov.

Working with the defense team, FTI transferred more than 1,000 hours of video depositions from 50 witnesses to CD and digitized 20,000 to 30,000 documents, according to Montie Twining, vice president.

"Our goals were to securely store the depositions through archiving and to provide the defense with a word-searchable video," says Twining. "We accomplished this by integrating the transcripts and

videos of each witness so that they appeared on the screen together. During trial this helped the jurors understand witnesses with heavy and sometimes barely understandable Irish and English accents," he notes.

"Because everything was digitized, we could mobilize any information one of the attorneys wanted and bring it up on the computer screen at virtually a moment's notice," Twining says.

A computerized whiteboard also was used, instead of a traditional blackboard and chalk. In this case, a defense witness used the board to write out a time scale graph. As he wrote, the graph appeared on all the monitors and was printed out on a color laser printer. "It was a very effective way of showing the jury something that was hard to explain in words," says Mr. Sabella.

Judge Ira Gammerman observes that the DeLorean case "was unique in that it was tried primarily with video depositions." In 15 trial days, there were only six live witnesses. To break up to monotony of reading depositions into the record, both plaintiff and defense played segments of the videotaped depositions or displayed photos and titles of witnesses as their testimony was read.

"This trial gave me the opportunity to look at the exhibits as they were being discussed," says Judge Gammerman. "[I]t highlighted and enlarged portions so that I had the same view that the witness and the jurors had without needing extra copies on the bench," he says.

"Overall the technology in this court certainly adds to the efficiency of the trial. Based on what the jurors said afterward, it added to their interest and their ability to follow and understand perhaps complex issues," says Judge Gammerman. "If the case was tried mainly on depositions, it would have been a deadly dull experience for the jurors, yet it wasn't because of the





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jurors had without needing extra copies on the bench," he says.

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The DeLorean case was an ideal test of Courtroom 2000's capabilities. All parties in the trial say that the use of technology speeded the proceedings, made a complicated and perhaps boring case more exciting and, at times, added a persuasive element. All agree that it would be even better if participants in such cases were more familiar with the technology.

ESTATE PLANNING SOFTWARE BNA Releases Windows Tax Kit

BNA SOFTWARE has announced the release of **BNA Estate Tax Planner for Windows**, which the Washington, D.C., company says is a graphically oriented, multi-case projection tool for legal professionals and others who need to accurately compute federal and state estate and inheritance taxes for their clients.



The company, a division of Tax Management Inc./The Bureau of National Affairs, says the new program succeeds its DOS predecessor, combining estate tax calculations with charts and graphs to help tax professionals communicate plans and strategies to their clients. The program provides both quick projections and in-depth estate planning.

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