

On With The Show

Dynamite Trial Presentations with the latest and greatest in trial presentation software

[Graphics and Presentations](#)

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With the advent of litigation support programs and the development of imaging technology that is now within the budget of any trial lawyer, more and more attorneys are looking at trial presentation software to assist them in the presentation of demonstrative evidence in court. Whether this technology is used to simply display a document blowup using a projector in order to be able to mark it up in front of the jury, or whether it is used to present sophisticated computer-generated animations or video clips of deposition testimony with synchronized transcript text and synchronized exhibits to impeach a witness with a prior inconsistent statement, affordable software now exists that will allow anyone to raise their level of trial presentation to new heights.

The four trial presentation packages reviewed below represent the four most popular software packages currently on the market. Each meets the basic needs of trial presentation, so determining which product is right for you depends on a variety of factors including budget, other litigation support technology being used, your level of experience with computer-based technology and your ultimate goals in terms of the type of evidence you want to present. This article is intended to give you an introduction to these programs and their features in order to prepare you to make your own evaluation as to which one is right for you.

The inData Director Suite, Version 2

The inData Director Suite is one of the better-known trial presentation packages. This suite of tools has been used successfully by trial attorneys around the country since its introduction at LegalTech New York in 1997. The Director Suite is comprised of two basic modules, DocumentDirector/TrialDirector and DepositionDirector. TrialDirector is the specific trial presentation module used for live presentation of evidence, while DocumentDirector is the underlying module used to organize and prepare items for day-to-day use and subsequent viewing in court. DepositionDirector is a separate module used to prepare video clips from videotaped evidence that has been converted to digital format.

The user interface for DocumentDirector is unique to the program and initially takes some getting used to. The desktop view contains a browse list on the left and an image viewer on the right side of the page. These components can be used together in split-screen mode, or one or the other can be closed depending on the task at hand. When performing data entry, you might want to close the viewer so all of the information on the browse list can be seen at the same time. Conversely, you might want to close the browse list and use just the DocumentDirector viewer when working with the more sophisticated database structures of litigation support software, such as Summation or Concordance. Exhibits including documents, graphics, photographs, video clips, InMotion DVT and OLE files all are organized using DocumentDirector. The browse list includes an icon for each item and each of the pages that comprise the item, as well as an unique identification number, the number of pages per item and path information. The list may be edited to include a description of the item, its location (volume on the hard drive or CD-ROM) and its deposition and trial exhibit numbers.

Using DDE links or universal clipboard commands, DocumentDirector links with many popular database and litigation support programs, such as Summation, Concordance, Access, Paradox and others. In fact, because of the ability to close the browse list and leave only the viewer open, DocumentDirector is probably the best of the trial presentation/third-party viewers to use in conjunction with litigation support programs, such as Summation or Concordance.

Batch loading and single-image loading of items is done through a load utility feature. This utility recognizes common load file formats from scanning utilities, such as .dii (Summation), .oll (DocumentDirector), .dbf (Doculex), .log (Opticon), .lfp (IPRO), .log (Generic Image Load File) and

others. Because the utility must be used to load files, it is not as easy or intuitive to load images into DocumentDirector as it is in other programs that have drag-and-drop functionality. However, when used in conjunction with programs like Summation, where the database and image links are initially created in that program, it is relatively easy to use the utility to import the image links into DocumentDirector.

In addition to the listing items in the browse list, copies can be made and placed in folders. These folders can be used for a variety of organizational purposes, such as for opening and closing statements, trial exhibits, witness exhibits, etc. There's also a scripting feature that allows the user to create written outlines relating to each exhibit. These outlines can be printed with the text of the outline, a bar code and a thumbnail of the image.

When using DocumentDirector with other database programs, the viewer easily can be maximized to full-screen by double-clicking on the title bar. Double-click again, and it reverts to a sized window. The viewer contains a full set of annotation tools that are accessed through a floating toolbox. The different tools can be used to mark or annotate any of the items in the browse list. These tools also can be used to create moving highlights on documents with layered pre-treatments of up to 10 different layers. Multiple treatments of the same exhibit also can be prepared to use with different witnesses.

When the documents are displayed in presentation mode, they also can be annotated using the tools available in the presentation mode's hidden toolbar. In addition to marking up documents, rubber band and other zoom features—including tear outs or pop-ups—can be used to emphasize particular portions of documents. Trial Director's tear-out feature is second to none. This permits you to present a lively, interactive examination of testifying witnesses with easy reference to pertinent exhibits.

DocumentDirector also has a floating thumbnail browser/curser that can be used to rapidly identify documents while scrolling through the browse list. Written reports can be prepared, which can include bar codes and thumbnails of exhibits to assist in the launching of items during trial with a bar code reader. Documents also can be launched by blind typing directly onto the presentation screen. There is no window on the presentation toolbar that permits a view of all items in a particular folder and quick launching by mouse click. However, if dual monitors are being used, there are alternative methods for easy launching of exhibits.

In the presentation mode, exhibits can be displayed singularly or in combination in up to four zones. Video can be displayed in full screen, or it can be displayed in zoned format with synchronized deposition text or closed captioning. In addition, video clips can be prepared that include the presentation of synchronized exhibits as well as deposition text.

DepositionDirector is used to create video clips. This module allows the user to organize clips in a hierarchical case outline structure. Clips can be created by highlighting text in the transcript and letting the clip wizard automatically do the editing. Clips also can be created using page and line references. For rapid creation of multiple clips from a transcript, ASCII delimited text files can be prepared in Wordpad, which are then imported into DepositionDirector to generate a long series of clips automatically from a simple load file.

Perhaps the most exciting new feature of TrialDirector is the ability to use dual monitors and the presentation control panel that goes along with them. The control panel is a floating window that contains a miniature presentation screen and associated annotation tools. This feature allows the user at the counsel table to view the item to be displayed on their monitor in DocumentDirector with visual access to all of the features of the browse list and the standard viewer. At the same time, the secondary monitor (which may be set up as a projector rather than a monitor) is in presentation mode.

The operator can select an item from the browse list by highlighting it and then dragging and dropping it on to the mini-screen of the control panel. By holding the left mouse button and moving the curser over the screen, you can select the zone in which to display the document. It can be shown full-screen, side

by side, top and bottom, in quadrants or in a combination of the above. Thus, while the presentation screen stays black until the document is dragged and dropped to launch it, the user easily can scroll through the browse list to find and preview the items to be launched, and then easily determine where to position the item for presentation.

It also is possible to access the annotation tools directly from the presentation control panel. This means it is not necessary to display the toolbar on the presentation screen itself when selecting a particular tool to use. This is an extremely elegant feature that overcomes some of the limitations of using a bar code reader or blind typing into the presentation screen to launch items. It gives a level of control over the selection and launch of an exhibit that is hard to beat.

The price for the inData Director Suite is its primary drawback. To purchase a standalone single-user license with the full compliment of tools costs \$1,295. If only DocumentDirector/TrialDirector is needed, the cost drops to \$895. For those wanting to use DocumentDirector on a network in conjunction with a litigation support program such as Summation, the cost is \$295 per seat, with a minimum of three seats required. The price goes down incrementally with volume purchases. Since all necessary document organization and preparation can be done on a network using DocumentDirector, TrialDirector only needs to be purchased for computers that will actually be used in court for presentation purposes. When cost is not a concern, and you need the full compliment of all available presentation tools, and particularly when you intend to use your presentation software with litigation support programs such as Summation, the inData Director Suite is a clear favorite.

Sanction by Verdict Systems, Version 1.6.0.297

Although a recent arrival to the trial presentation software arena, Sanction by Verdict Systems has rapidly become one of the most popular programs available. As a standalone presentation package at the very reasonable price of \$395 per license (which includes unlimited technical support), Sanction has clearly become the favorite of the mass market.

Anyone familiar with a Windows 9x environment will feel right at home using Sanction. The layout is very similar to Windows Explorer. The Windows interface includes a main screen with tree and list views to the left of the viewer that allow easy organization of case materials and presentation items in a familiar fashion. Presentation items can be organized by type using the predefined categories, e.g., video, documents, images and transcripts. There are also some custom categories that allow you to place items in a temporary folder or to keep track of items that have been offered and received into evidence. Unfortunately, Sanction does not support OLE applications as other products do, but it will tab between PowerPoint and the presentation mode in a relatively seamless way.

Moving items into Sanction is easy since an item can be dragged and dropped into the appropriate category directly from Windows Explorer. If you are familiar with moving files in Windows Explorer, you can use Sanction almost intuitively, thus shortening the learning curve. Batch imports also are available, and they can be coupled with popular programs like Summation, Opticon, Doculex and TrialDirector. In fact, a powerful feature of Sanction is its ability to import and export files in just about every commonly used file format. Sanction can even be used as a scanning utility to create load files in multiple formats that then can be exported into other presentation packages.

Sanction can be used as a viewer with other popular litigation support products like Summation, Concordance, CaseMap and LiveNote. Its only drawback in this regard is that the tree and list views cannot be turned off to leave only the viewer active. However, they can be shrunk in size so that when you are using the viewer with other applications the tree and list windows are hardly noticeable.

Sanction also includes a powerful find feature for locating information in a variety of fields in the database. For the more advanced user, it's possible to customize and import ASCII delimited text files for rapid loading of the database and Sanction. It even supports SQL search capabilities. Sanction also

allows you to create notes on a given item.

Another feature familiar to Windows 9x users is the right click menu functionality throughout the program. The adage, "When in doubt, right click," certainly applies to Sanction. An added benefit to the new user is the comprehensive context-based help files and the hot spot "what's this?" help feature. You don't need to have Internet access to Web-based help files to get the help you need. This is obviously important to trial attorneys who don't have Internet access during trial.

Sanction includes everything needed to create trial presentations, and it has the ability to allow the user to create customized video clips and synchronized video-deposition clips without the need to purchase additional modules. Video-text synchronization can even be performed in-house, assuming a digitized version of the deposition video and an ASCII text deposition transcript are available.

In terms of Sanction's trial presentation features, it's easy to create files in which you can organize your presentation materials by witness, subject, day of trial or any other method that works with your personal style. Once the documents are loaded, they can be marked up with the available annotation tools. Layered annotations can be created to lead a witness through testimony on a given exhibit. Sanction includes all of the standard drawing tools usually included with such software. The documents can be highlighted in multiple colors; and lines, arrows, hollow and filled rectangles, stamps and text boxes can be added. There is also a rubber band zoom feature that is useful to highlight key portions of an exhibit.

All of the annotation features are available to markup an exhibit in court while in the presentation mode as well. Sanction also offers great flexibility in terms of launching a particular exhibit. While Sanction supports bar code launching, it also accepts blind typing of the document ID, or exhibit number. The toolbar in the presentation mode even includes a box list that contains a list of all the items placed in the presentation folder. Assuming you have loaded your entire exhibit database in the presentation folder, even if you have forgotten the exhibit number or document ID so you cannot make a blind entry, you still can launch the desired image by selecting it from the box list with a click of your mouse. You are able to display documents in full-screen or split-screen mode, either side by side or top and bottom. Icons on the toolbar allow you to easily point to the zone in which you want to display the image. You can use the split-screen feature to combine presentation modes. For example, if you want to play a video of some deposition testimony, you can place the image of the exhibit being referred to in the testimony on the screen adjacent to the video player. If you want to compare documents, they can be placed side-by-side. A design drawing can be compared to an actual photograph of the object under consideration.

Sanction also has dual monitor capabilities; however, it's more cumbersome to launch an item in this mode than in other programs. To do so, you must first select the item and open it in the main viewer. Then launch the presentation mode and press F_ to launch the document on the presentation screen. If you want to annotate the document you must right click to access the tools, and this results in the full-selection menu appearing on the presentation screen, which can be an annoyance.

Perhaps the most powerful tool of all in Sanction is its video clip creator. This tool is used to manage multimedia files. It allows you to create video clips simply by marking the beginning and ending points of the video involved. Once the clips are created, they can then be moved about or reordered as needed. With the clip creator synchronized, video-transcripts can be edited to create clips instantly using the "page.line" syntax. In other words, you only need the initial page and line reference and the ending page and line reference to create a complete video clip. This permits the creation of multiple clips at a phenomenal rate of speed. Start and stop times quickly can be adjusted with a few mouse clicks. In addition, the clip list import feature allows creation of clips from ASCII delimited text files in seconds.

ReViewer version 4.0 by Visionary

ReViewer by Visionary is a powerful presentation package that allows a user a wide range of flexibility. What makes ReViewer unique is the IssueBuilder feature, which allows a user to create and manipulate scripted presentation steps to display an assortment of different types of computer files, images, video,

graphics and text.

ReViewer has some file import flexibility. It will accept the Concordance and Opticon load file formats. It also can import images one at a time or as multiple images. It allows you to group images by document or exhibit. IssueBuilder then assists in the organization of the imported files and practically anything else in your case.

ReViewer displays exhibits, creates annotations and markups using arrows, circles, highlights and other standard features. Documents and photos can be zoomed. ReViewer also can display more than one document at a time, side by side or top and bottom with still graphics, images or video. It also has the popular tear-out or "pop-out" feature. This allows you to select a portion of an image (usually a document) and zoom it or pop it out, while maintaining the original document in full-screen in the background.

ReViewer has some unique features that relate to the spatial orientation of the display. A user can adjust the Courtviewer screen to orient the images and/or the video in any shape desired. For example, you can have the video take up the top half of the screen, the scrolling text of the deposition take up the bottom left corner and an exhibit take up the bottom right corner. This feature can be very useful if you want to adjust the amount of text shown in conjunction with a video deposition clip. Another unique feature is the ability to hyperlink images into the deposition transcript. By hyperlinking an exhibit, or by setting up the view mode, you can have an exhibit come up at a predetermined time and in a predetermined place during video playback.

The deposition viewer is another unique feature in ReViewer. Once a deposition transcript has been loaded, you can click and drag any portion of the transcript you want and then view it in Courtviewer mode. This is a very useful tool for impeachment. Although the user cannot zoom or highlight the text, ReViewer offers a very easy way to prepare ASCII transcripts for viewing in court. This is a feature I have not found in any other trial presentation package.

ReViewer easily handles the importing of video MPEG files. Clips are created by simply clicking at the desired point in the video with the "Mark-In" icon command and ending with the "Mark-Out" command. Clips can then be edited to expand or contract with millisecond accuracy. Synchronized video-to-text clips can be created by simply highlighting, clicking and dragging the desired deposition transcript excerpt into the IssueBuilder, which will automatically make the associated video clip. However, ReViewer does not have one useful feature found in the other packages. You cannot designate multiple page/line excerpts and have the multiple selections converted and imported simultaneously.

Another unique and very useful feature is the Cache to Hard Drive Tool. This feature takes video clips and literally copies the desired portion of the Digital Video MPEG file from a CD to the hard drive, creating a new MPEG file on the hard drive that is only the size of the clip created. For example, if you have just two clips from a video deposition that span five seconds each, this feature will go out to the "main" video CD and copy just those two, five second clips, creating two small video files, each five seconds in length.

TrialPro Version 3.0 from IDEA Inc.

TrialPro is trial-presentation software that has been around since the earliest days of computerized trial presentation. According to company president, John Moehring of Innovative Design & Engineering Associated, Inc. (IDEA Inc.), TrialPro began its application in 1987 by building a system for the ALPO v. Ralston Purina trial. In 1996, the off-the-shelf software was made available. This release is a full-featured presentation package with a wide variety of built-in, customizable options. The cost per license is \$795.

Similar to other presentation packages, TrialPro has all of the presentation features and capabilities to present computerized exhibits in trial. Document images can be displayed, zoomed, highlighted and

annotated with a number of common annotation features (arrow, box, notes, etc). It also allows the user to display two images side by side or top and bottom with the click of a button on a toolbar. Any exhibits annotated while in presentation mode can be saved.

TrialPro supports many image formats, including common black and white formats, color graphics and scanned photographs. I also found an option to play the AutoDesk animation formats of FLI and FLC. This allows a user to bypass the process of converting animation files to MPEG format, which sometimes downgrades the resolution and viewing quality of a well-built animation. Preference menus allow a user to pick the media player to use for different types of audio/video files.

TrialPro consists of two components, a database organizational component and the Presentation/Viewer component. The database portion allows users to preview and annotate exhibits and prepare them for printing with barcodes. The database component looks similar to a spreadsheet view and contains approximately 13 fields of information for each exhibit. The spreadsheet view does not group the individual pages or files into exhibit groupings. Each file is considered an individual entity and is recognized that way during presentation.

Importing items into TrialPro is relatively easy, but it does take some getting used to. There are two ways to load exhibits. The easiest is to drag and drop images from Windows Explorer. The user simply selects the desired files from Explorer and then drags and drops them into the database. The files then append to the list of exhibits already in the database. The second way to load exhibits is to use an import file. TrialPro recognizes and can import ASCII delimited files from a variety of litigation support software, such as Concordance, Summation and LiveNote. The process does require a couple of extra steps to prepare TrialPro to receive the data, and once in the database, each individual file becomes its own element, thus losing document/exhibit break information.

Barcodes are created and assigned by the number system in which they are listed in the database. The assigned barcode is equal to the number in the database list. For example Exhibit 231, page 5 may be the seventh item listed in the database. It would be assigned barcode "X7". This can cause some confusion so an operator must have a reference list available (e.g., X7 = exhibit 231 page 5).

The barcode printing utility is very useful and does have some flexibility. A user can print out barcodes in a list, with a description on the same line, a copy of the image or a screen grab with a barcode at the bottom. Two to nine bitmap thumbnails can be printed per sheet, with a barcode printed under each thumbnail. There is also a reasonable selection of sticker templates. To print, simply select the exhibits in the database mode, and then hit the print button to execute.

The presentation mode starts out with either a black or blue screen. Exhibits can be brought up by the use of a barcode reader or by typing in an "X" followed by the number of the exhibit as it is listed in the database spreadsheet. By hitting the ">" key, you can move from one item in the list to the next.

At this time, TrialPro can't recognize what document or exhibit an individual page is a part of. For example, you cannot hit the page up or page down keys to go to the next page in the exhibit. A user only can go to the next item as it's listed in the spreadsheet view. In order to go to the next page, you must type in that page's specific barcode or strike the proper barcode with a reader.

Using video in TrialPro is relatively easy; yet, like other presentation software, it can take some time to become proficient. After importing a video file, you double click on the video file to bring up a video editing screen. Clips are created by defining the start Mark-In and the stop Mark-Out points of a video. A user can then name the clip, and it will be added to the list in the database. Editing the start and stop points of a video clip is easy and is done with two-frame accuracy.

TrialPro can import video-to-text synchronized files and is set up to import the LiveNote-type sync files.

Once imported into TrialPro, you just need to click and drag portions of the deposition to create clips. A clip name then can be assigned. You also can create multi-clips by selecting more than one portion of the deposition. This is a nice feature, since you can click and drag multiple selections while in the same deposition transcript, and then assign one barcode for the entire multi-clip segment.

Although it is easy to use, TrialPro does not currently support a deposition clip import utility like some of the other presentation packages, which makes the task of creating large numbers of clips less time-consuming for the attorney.

Tim was impressed by the liberal import capability of any ASCII time-coded transcript. This allows a user to use any time-coded transcript from any source. With some manipulation and setup, you can import these time-coded transcripts into TrialPro and associate them with the proper digital video file (MPEG, AVI, etc.), and begin using the two together. At the present time, TrialPro does not have the ability to manually synchronize a transcript to a digital video file, but according to Moehring, version 4.0 will have that ability. This will allow the user to synchronize the digital video to a generic ASCII deposition transcript within TrialPro.

Although some prior knowledge of databases and spreadsheets is helpful to use this program effectively, TrialPro has all the basics needed for trial presentation. At a price of \$795, TrialPro is a reasonably priced option.

Conclusion

As you can tell by reading the above, this powerful trial presentation technology can assist any trial attorney in presenting a more compelling case at trial. The advantages are obvious, and the hardware and software needed to make such high-tech presentations now is affordable to all. It's time to try your next case at a higher and more effective level. Put this technology to use today, and you'll wonder how you ever did without it in the past.

[Click here](#) to view the companion chart - Presentation Software, a side-by-side view.

A B O U T T H E A U T H O R

Bruce A. Olson is the managing member of Olson Law Group, LLC, and president of ONLAW Trial Technologies, LLC, a legal technology consulting firm offering comprehensive trial automation and litigation support to its clients, including advice on selection of software and hardware, training, preparation and assistance at trial and service bureau related support. Olson is Board Certified in Civil Trial Advocacy by the National Board of Trial Advocacy and AV rated by Martindale-Hubbell. He is a frequent presenter on legal technology related matters at the annual ABA Techshow, various LegalTech programs and at State Bar presentations given throughout the country.

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