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### TechnoFeature: Trial Presentation Time Machine: A Look Back at the Early Days

By [Timothy A. Piganelli](#)

(This article is a TechnoLawyer Exclusive.)

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#### OVERHEARD AT THE COFFEE SHOP YESTERDAY ..

"Does this new billing software of yours also handle practice management?"

"Yes — it's completely integrated."

"Is it easy to use? And what about installation and setup?"

"It's very easy to use. And installation and set-up were a piece of cake."

"Does it cost a small fortune?"

"No. You know how frugal our firm is."

"Can it keep track of calendars, contact information, e-mails, documents and notes for everyone's cases?"

"Yes, yes, yes, yes, and yes."

"Wow, enough said! Where can I get this amazing software?"

["You can get yourself a free](#)

*Aristotle once wrote: "If you would understand anything, observe its beginning and its development." Trial presentation technology was not always as slick and easy as it seems today. Trial consultant Timothy Piganelli can prove it. In this article, Tim takes us through a day in the life of a trial consultant circa 1993 — and boy, have things changed. From cost to cables, see how yesterday's trial consultant dealt with all manner of tricky situations. Tim's account should make any litigator thankful it's 2007. This article contains 2,167 words.*

[trial and information kit here.](#)"

## **INTRODUCTION: LOOK HOW FAR WE'VE COME!**

Those of you who have ever taken technology to trial and are familiar with trial presentation may recognize the following scenario. The case has 30,000 trial exhibit images, 35 video depositions, and 5 PowerPoint presentation files that include about 60 graphics slides each, some of which incorporate flash animation. You load trial presentation software (around \$600) onto your laptop (\$1500). You then copy the case data including your trial exhibit images, deposition video synchronized with the transcripts, and all of your demonstratives graphics onto your laptop. To ensure you have a backup of your case data and any other documents and information you might need, you also duplicate everything onto a 200 gig external hard drive (\$110) that you also carry to court. A court representative meets you in the courtroom and explains their built-in display and switching system, the podium's touch screen, and how the court clerk will control which side displays evidence on any combination of the twelve monitors in the courtroom.

Although preparing for trial is a carefully planned procedure and should be done by someone with trial technology experience, in principle, it can be that simple. With the power of laptops, fully automated courtrooms, and trial presentation software you are on your way.

But it wasn't always like this. Let's take a look at trial presentations some fourteen years ago.

## **COSTS OF THE PAST**

In 1993, when I first started taking trial technology into courtrooms, the simplicity of what I have described above was only a dream. The efforts it took to get to "Showtime" was a much more difficult, expensive, and stressful task.

So, let's turn back the hands of time and "zoom in" (no pun intended) on one of my first trial projects in Phoenix, Arizona in 1993. For some of you, this will be a stroll down memory lane; you know who you are. For others, take a look at what we had to go through to get a trial exhibit or a deposition video clip up on a screen in a courtroom.

"How much?" cried the attorney.

"Around \$25,000 sir, but think of the advantages we'll have at trial. You

can show your documents to the jury on these big monitors for everyone to see. You can pull up any exhibit, zoom in and highlight as you go through the exhibit."

"What is the name of the software?"

"It's called Trial-Link."

"For that kind of money this better work, Tim. If not, it's my butt ... and yours, too!"

"Don't worry, it'll work."

Such was the conversation I had with an attorney, discussing the costs for a trial presentation system. In those days the software cost around \$15,000 and the hardware was nearly \$5,000. Add in the external components and additional hardware integrated into the trial desktop PC necessary for trial presentation and the total price came in around \$25,000. Consider the system I used when I first started doing trials: a large desktop PC with an Intel 486, 66 MHz chip with 8 meg of RAM and a 800 meg hard drive. That was state-of-the-art at the time. You probably now have more capability in your Treo or Blackberry cell phone than I did back then with this desktop PC.

### **Exhibits**

I needed a way to have continual access to all the exhibit images. I had two choices in those days, a SCSI (Small Computer Standard Interface) Juke Box 6-CD Changer at about \$700 or a 10 gigabyte external SCSI hard drive, at about \$900. Each of them was about the size of a large cinder block. I also needed to add a SCSI card to fit in the computer that cost around \$400, and a SCSI cable, \$40. Back then there were no USB hard drives or plug-and-play storage devices. Rather it was "plug and PRAY." All this hardware needed to be integrated into the new desktop PC with Windows version 3.11 (Windows for Workgroups).

The attorney called: "The client has approved the cost for the trial hardware and software — we're a go." Then he reminded me again: "One more time, Tim, it better work ... or else."

"Yes sir, it will. I guarantee it." As I hung up the phone, I started sweating. "Oh boy, this better work."

### **Graphics**

What about the demonstratives, including a timeline? The trial team was talking about getting a bunch of those large foam-core boards that cost about \$400 each. I knew the attorney; he was always making last minute changes, sometimes late at night or an hour before court. We were going to need those graphics on a CD. I had to call the graphic company and tell them to "export" their graphics from their Mac (Apple) system to a Windows-based JPEG format. The graphics company thought we were crazy. They didn't understand why we were asking for their files that they

thought they were supposed to print onto boards.

"You're going to do what with our files?"

"I'm going to show them in the courtroom on the screens."

"How?"

"Through my computer onto twelve monitors in the courtroom."

"What? I never heard of that before."

### **Backup**

I needed to make sure I backed up all the data. I decided to back everything up on CD's. "Easy with the CD's," I told myself. "Those blank CD's cost \$25.00 each, so try not to ruin any of them." CD burning software was difficult to find but ran anywhere from \$400 to \$2000. (Remember CD-Link?) The hardware: CD burners were around \$900 and were about the size of a VCR player. About 1 out of 4 CD's didn't burn correctly so you were forced to toss out the bad CD's and start again, mind you, at \$25.00 per CD. Don't even think about making any movement while the CD was burning — one slight bump or movement on the table or desk that the CD burner sat on and up came the "buffer under run error" and then you had to start again.

It was time to load the data and build the case in Trial-Link. I had to load some of the 30,000 images from CD's onto my computer. I used an external 2X CD reader. I began copying using File Manger in Windows 3.1. The time to copy: 45 minutes each. "O.K.," I thought. "This will take a couple of hours."

### **WORKING WITH VIDEO**

The client had some deposition video that they wanted to use and they wanted me to prepare impeachment video clips. In 1993, this system did not have the ability to play digital video or MPEG, nor could we synchronize the deposition video to the transcript to make it easy to prepare and playback clips. Rather, there were numerous steps we needed to take to play the VHS tape the court reporter or videographer had provided through our PC-based trial system.

First, we put the tape in a special VHS deck called an Edit Deck. The Edit Deck would lay time code on one of the audio tracks. Once the time code was laid, then we could make video clips by using the Trial-Link software. We needed to play the video on a special piece of hardware called a "PC-VCR" — a VHS player connected to your desktop computer by a special interface (RS232 for the geeks). This enabled me to control the VCR with the computer. That was great, but the signal coming out of the VCR was not compatible with the computer.

So, we needed another video board installed in our desktop computer, one that would convert the standard VHS signal (NTSC) to a standard

computer video signal (VGA) to play through the computer and onto the monitors in court. I used a Matrox video board that was about 8-10 inches long that barely fit into the desktop PC. Again, another hardware integration nightmare. I could only have one VHS tape in the unit at a time. So, if the impeachment video clip called for by the attorney was on Tape 3, and the previous clip he called for was on Tape 1, I had to quickly switch tapes before I could ask the software to play the requested clip. This challenge made a trial system operator a "quick change artist."

So now I had my case built in Trial-Link, the exhibit CD's in a Pioneer 6 CD changer, and my PC-VCR with all my videotapes close at hand. Now it was time to plan the equipment in the courtroom.

### **COURTROOM SETUP**

"You want to do what?" said the court clerk.

"We would like to bring in six 15-inch monitors, and two 42" large monitors for the jury, so that we can present our evidence on these screens."

"I have never heard of that," said the clerk.

I explained that this was very new, but that we felt it was important that we presented our case evidence this way.

The clerk said, "I've got to talk to the judge about this and let her know what is going on."

The clerk called back and reluctantly agreed. On set-up day, they watched us bring in large crates of equipment, cable, and hardware into their courtroom. We looked like we were setting up for a rock concert. As the court staff walked in, they grasped their heads with their hands and said "Oh my Gosh, what are you doing? The judge is going to have a fit!" I responded, "Trust me, it will look a lot better when we're done." So off we went, laying down cable and placing the 15-inch CRT (Cathode Ray Tube) monitors around the courtroom.

Then my pager went off. "That must be the delivery guys with the two 42-inch VGA monitors."

We had to ship them from Denver, since no one in Phoenix rented them. They must have weighed nearly 400 pounds each. The crates used to ship the monitors would also be used as the stands under these heavy monsters. These monitors were placed on each side of the jury box so the jurors could see the computerized evidence presentation. There were no projectors in those days. The rental price for these large monitors was around \$800 per day, but to buy them was nearly \$8,000 each.

Everything was hooked up and powered up. It was time to fire up the computer and begin to test our setup.

"The monitor for the witness isn't working," the court clerk noticed.

Immediately I began to sweat again. The distance from the computer to that monitor was too far and so the cable was losing some of the signal along the way. We needed a device that amplified the signal. Once we plugged in the amplifier, the image came up fine on the witness monitor. O.K., problem solved.

I called the lawyer and asked him to come down to the courtroom to inspect what we had done.

"Wow, this is great. Bring up Exhibit 20. Now zoom in on paragraph 3. Now do that colored yellow highlight thing. Awesome. This is going to be fabulous."

I breathed a sigh of relief. The client started to walk out of the room with a smile, but then stopped right as he was leaving, dropped the smile and looked over at me and said, "Tim, once again, this better work on Monday."

Again I said, "No problem, it will."

### **CONCLUSION: MONDAY**

It was Monday morning and we had a jury picked. Lunch break, then opening statements were to begin at 1:30. I triple checked everything before I left the courtroom to grab a very quick "courthouse cafeteria sandwich" and stale cup of coffee. I came back to the courtroom to find it half full of attorneys, trial team members from both sides, their clients, and curious attendees. The lead trial lawyer looked at me and said, "Are we ready?" With a smile on my face, I answered, "Yes we are."

As I sat down and checked my computer I found that nothing was coming up on any of the monitors. My heart started pounding. I thought to myself, "How can this be happening?" I frantically got on my hands and knees and began checking every connection. I heard "All rise." The judge strolled in and sat down.

"Counsel, are you ready to proceed?"

I was sweating bullets, thinking, "I'm dead, I am going to die right here." My client looked at me, the judge looked at me, the opposing counsel looked at me (with a big grin) and then I found the extension cord that had been kicked loose from the wall socket. I plugged it in; everything came back on — thumbs up — we were ready to go.

"Ladies and gentlemen of the jury, let me show you . ." and on the twelve monitors in the courtroom, with a key stroke, everyone saw the "smoking gun" memo.

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### **ABOUT THE AUTHOR**

Timothy Piganelli is CEO and founder of [Legal Technology Consulting, Inc.](#) He is a nationally recognized speaker and author as well as one of the country's top trial consultants in the areas of trial strategies, trial presentation, courtroom technology, and computerized litigation support. Tim's vast trial consulting experience provides expert insight to clients on strategies for the best use of technology to create effective illustrative presentations for jury comprehension. He is also an adjunct professor at Sacramento's McGeorge School of Law, Southwestern University School of Law in Los Angeles, and University of Denver, teaching Computer Assisted Litigation.

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