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# Top Ten Tips for Choosing Trial Presentation Software

By Timothy A. Piganelli

## INTRODUCTION

Although there are far less choices when compared to litigation support software, choosing trial presentation software may not be as easy as you think. Trial Presentation software is typically used on a “stage” in front of an audience (court, jury, etc.). Thus, the choice needs to be made carefully and with some due diligence.

Below you’ll find my top ten tips for choosing software to assist with managing and presenting evidence in trial.

### **1. PICK SOFTWARE THAT YOU ARE COMFORTABLE WITH AND HAS FEATURES THAT YOU WILL USE.**

Many of the software choices have a plethora of features and “bells and whistles.” Yet how many will you really use? If you already use litigation support software, you may not care about some of the in-depth features that some of the trial presentation packages offer. Why choose a package with hundreds of features when all you need is something that will bring up a document and enable you to zoom in and blow up key portions of an exhibit? If you tend to keep your presentations simple, then make your choice for presentation software simple. Pick the one that only does what you need.

### **2. MAKE SURE THE SOFTWARE TIES IN WITH THIRD PARTY APPLICATIONS.**

If you do use litigation support software, you probably want your trial presentation software to integrate and work with it.

Typically a firm will load discovery documents and testimony into their litigation support package during the course of the litigation. As the path to trial gets closer, the final exhibit list begins to take shape. I have seen too many firms re-scan the trial

exhibits over again into the trial presentation software, simply because there is no link or integration between the two packages.

Firms prefer to bring the entire contents of the case with them to trial. The desire is to have all the search and retrieval capabilities of their litigation support software. Once they find what they want in the litigation support software, they want an easy transfer to the trial presentation software.

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### **3. CHOOSE A DEVELOPER WITH GOOD TECHNICAL SUPPORT AND CUSTOMER SERVICE.**

Getting customer service and technical support in a timely fashion is key — users don’t have time to wait a day or two for an answer. While in trial you are going to want quick responses and assistance. You want to make sure that your trial presentation software development company can get to you within an hour or less, especially days before trial or during trial. You don’t want to be left hanging on the courtroom steps with no support from the people who wrote the software.

Ask other users to see what they say about the response time from their trial presentation software company. Are they helpful? Do they know what they are talking about? Are they professional? What is the average response time? Do they really understand what happens in a trial and how their

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software solution should be used? Did they get back to you fast?

#### **4. THE TRIAL PRESENTATION SOFTWARE SHOULD ENABLE YOU TO PRESENT DEPOSITION VIDEO.**

One of the more recent popular applications of trial presentation software is the ability to present video deposition. Video-to-text synchronization in the digital world has changed the way we impeach a witness or present a witness by video deposition. Some packages out there just don't offer the ability to load and present deposition video testimony in an organized and efficient way.

If you always present video depositions, then your choice for trial presentation software should take that into consideration. Furthermore you need to consider the process of preparing your transcript and video for use in your software. Some applications offer you the software, built in, to do it yourself. Others rely on a third party service bureau vendor to prepare them for you.

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When choosing a package consider this: You need to have the ability to adjust or prepare video deposition at all hours of the night. Make sure you choose a package that provides you with the flexibility to be independent and not have to rely on an outside vendor. You're probably going to need assistance at 2:00 AM the night before trial, and this vendor must be available to assist.

In addition, you need to make sure your presentation software can accept video prepared in different formats. Thus, no matter who does the processing, you should be able to convert or load the data into your package without problems.

#### **5. DO YOU NEED SOFTWARE THAT CAN HANDLE HEAVY GRAPHICS?**

The top presentation software packages out there do a good job with documents and deposition video, but are not the ideal solutions for high-end graphics or demonstratives. Clearly there is a difference between TimeMap or PowerPoint versus TrialDirector, Visionary, or Sanction. Your final intent may be a factor in choosing the package that will best suit your needs.

There is nothing wrong with choosing both — a package that handles graphics and one that can present documents and video. Just make sure you are clear on when to use one over the other. If you always use demonstrative graphics and want to create more colorful and “animated” presentations, one of your choices should be a package with the right tools to enable you to do just that.

#### **6. IF IT WORKS, DON'T FIX IT.**

If you use a trial presentation software package, or any package that enables you to present evidence in trial, and it works and you're familiar with it, stick with it. Upgrades and new features may entice you but there is no sense in “changing horses mid-stream.” There is nothing wrong with considering updates and new features, as long as it doesn't change your existing basic use of the software and makes life easier on you.

However, make sure you test your “old faithful” software with some of the new operating systems or updates to your operating systems. Especially Windows Vista! This catastrophe has caused some of us in the trial presentation business to lose sleep (and hair), not to mention the increased spike in blood pressure. Definitely test the software in the new update environment.

#### **7. PICK STABLE SOFTWARE WITH GOOD MEMORY MANAGEMENT.**

One of the most important aspects I look at with trial presentation software is stability during trial. You don't have the time to re-boot or troubleshoot in the middle of a heated cross examination. Software has to be stable and bug-free when you walk

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into a courtroom with your system. If you find that the software you are considering has a tendency to freeze up or cause a system shutdown, you should be careful. You cannot afford to have any problems in the courtroom, especially if you are running other software along side.

One of the ways to get an idea of how much memory software packages use is to bring up the Windows Task Manager by hitting the Control-Alt-Delete key. Go to the Processes tab and find the software's EXE program list. Check the Memory Usage value on the "Mem Usage" tab. Here you can see just how much memory is being tied up with the package. If, when running your trial presentation software along with other software, your system slows down, you may experience problems come show time. Make sure it all runs smoothly.

#### **8. TRAINING: CAN THE REST OF US LEARN THIS STUFF?**

If a tool has excellent features but is hard to learn, it may end up sitting on the shelf. Make sure it is easy for everyone to learn — not just the mechanics of the software (where to click and where the menu items are), but how to use it in trial. What is the learning curve for all potential users?

Most software comes with a detailed manual and help screens to assist. But is this enough? Consider the available training options and who conducts the training. You need to learn to use this tool in trial. The trainer needs to not only know the software, but have experience in the courtroom and war room so that they can properly train you on the "real-world" use of this tool, not just how to print. The time it takes until full competency is an important consideration.

#### **9. CHOOSE A SOLUTION THAT CAN ADAPT AND PRESENT ON THE FLY.**

The difference between a PowerPoint and a TrialDirector presentation is a simple one — one is a set, scripted collection of graphics (slides) that cannot be easily changed during the presentation; and the other is a interactive tool that will enable you to bring up and modify, on-the-fly, just about any piece of exhibit you choose.

You must consider, before choosing a tool, that you will probably need to make changes on the fly and have instantaneous access to any piece of evidence. Thus, if you are one who always changes your mind and needs the operator of the software to "keep up and follow along," you need to make sure the software you choose can do that. In this case, PowerPoint is simply not the choice.

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#### **10. CONSIDER WHETHER YOU WANT MORE THAN JUST PRESENTATION AT TRIAL.**

I had a client who recently was starting fresh in the computerized litigation support software world. The very first thing they wanted to do was obtain, learn, and use presentation software. As we proceeded through training, they soon realized that the software did more than present evidence. They were pleasantly surprised at all the other features — a coding and document database screen, the ability to search and organize depiction testimony, the ability to produce a set of documents to their adversary, etc. They then decided to use the software for more than just presentation.

If you fall into this category, you probably would be well served to consider packages that assist with the remaining management of your case, as compared to just using it to present at trial. You must consider that these additional features may not be as robust and detailed as some of the litigation support software packages out there when it comes to these additional features (document database, transcript manager, eDiscovery manager, etc). But, for the most part, in most small cases, it may be all you need. Don't be afraid to consider some of these tools as a total solution.

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### **CONCLUSION: WHEN TO CHOOSE**

There is a line a popular song by the Canadian Rock Group Rush that I have always liked: "If you choose not to decide you still have made a choice."

If you go to trial only once every 5 years, you may want to consider holding off until the trial date is within reach. Technology is ever-changing and thus, choosing a package and then waiting three years to use it may not be the best choice. If you only want to use the tool to present evidence in trial, you don't need to purchase the tool until the time is right.

Finally, make sure the operator of the software is well-versed and has had plenty of practice before jumping into the "hot seat."

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### **ABOUT THE AUTHOR**

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