



***LEGAL TECHNOLOGY CONSULTING, INC.***

4425 E. Agave Rd, Suite 122, Phoenix, AZ 85044

480-753-4365

[www.LTC-INC.com](http://www.LTC-INC.com)

Fax 480-753-4366

---

# **Using Technology in the Management and Trial of Complex Cases**

**Presented September 28, 2007**

**by**

**Timothy A. Piganelli**

**Legal Technology Consulting, Inc.**

**Phoenix, AZ**



---

## **Strategic Trial Graphics and Presentation**

### **In the Courtroom with the Expert Witness: Collaboration Between Testimony & Technology**

#### **Introduction**

Trial verdicts can, and have, turned on the testimony of the Expert Witness. Preparation of the testimony, supporting evidence and demonstratives can make the difference between a win and a loss. Enhancing the testimony of the expert witness with technology tools can give you an advantage in the courtroom.

Retaining an expert witness to assist with evaluating and explaining case issues is a common occurrence in litigation. In almost every case, the expert's testimony is a necessity and is expected by jurors and judges. This is especially true in cases where the issues are difficult to interpret and define. Most jurors don't have the topical depth of knowledge needed to sort through the myriad of concepts or ideas they must consider in order to properly render a verdict for most complex or technical cases. In order to assist in that effort, the expert witness is a critical component to advancing the party's theories in trial or at various stages of the case.

Most cases call for the opinion of an expert on specific issues of the case. The end result is the testimony and presentation of your expert's findings to an audience, judge, jury, mediator, arbitrator and even the opposition. All the time, effort, energy and money spent preparing the expert for the presentation should ultimately enhance your case.

Many times in court I have seen the direct examination of an expert witness and the method of demonstrating the expert's opinions result in a complicated testimony that runs the risk of "talking over the heads" of the audience. Juries often become confused by the testimony and have trouble sorting through all the details. In response, the jurors' attention tends to wander off, and as their ability to comprehend drops, they become frustrated. The testimony about the expert's findings and opinions runs the risk of having a negative effect on your case or the jury's perception of the case.

Unexpected challenges occur during trial. The amount of time the judge allows for direct examination may be limited, or the areas you need to cover with your expert may have to be adjusted due to rulings in court. Both of these can cause last minute changes while standing at the podium. This can often throw you and your expert off, ultimately diffusing the impact and importance of your expert's work. Some resulting problems can be poor methodology of presentation, confusing graphics, loss of continuity and too many long winded oral answers with no supplemental visuals. The result is a jury who never gets the story or "sees the picture" that

***LEGAL TECHNOLOGY CONSULTING, INC.***

4425 E. Agave Rd, Suite 122, Phoenix, AZ 85044

Telephone: 480-753-4365 **www.LTC-INC.com** Fax: 480-753-4366



you thought was powerful and persuasive. Hence it never makes it out of the starting blocks and the impact you were hoping for is gone.

Let's examine some common problems and discuss suggestions on how to enhance and clarify your expert's "presentation" and testimony that will guarantee an impacting and memorable result for the jury or audience.

### **The Expert's Tutorial**

In general, when conducting a direct examination of an expert, the first thing you should do in an effort to enhance your expert's presentation is to slowly and clearly introduce the audience to the general issues on which your expert will be testifying. To do this effectively I recommend a tutorial using visual aids.

One of the first steps you will want to take during the examination of your expert is to cover the basics of the topic at hand. This is what I call "The Expert's Tutorial".

The tutorial is the part of the testimony that gives the audience an overview of the area on which the expert will testify. Most expert direct examinations cover this, but the problem is the lack of use of visuals. These visual aids may be a series of graphics that do nothing more than give the jury a crash course on the area on which your expert is about to testify. This tutorial usually addresses areas that are so basic they are not disputed and thus this part of your presentation never draws objections. The advantages in doing a tutorial with visual aids are:

- 1) You can teach or educate the jury your way, using your graphics. This is especially true if you are the plaintiff in the case and you go first. A crash course on your "terms" helps define your theories and put them into context for the jury. Using graphics will dramatically reduce the time to teach your jury the expert's topic.
- 2) You can use the same set of graphics to aid in explaining the expert's opinion, your position of the case and how it differs from your adversary. Using the same "style" of graphics for the expert's testimony that were used in the tutorial further "links" the expert's testimony with perceived "industry standards". Thus, the jury gets accustomed to that "look and feel" you portrayed during your tutorial with the case-specific graphics.
- 3) Try to use as many stipulated or admitted exhibits in the expert's examination as possible and reasonable. Incorporating real exhibits, such as document or photographs into demonstratives to bolster the expert's opinions serves to authenticate that expert's opinions and demonstrate that the opinion is based on real case facts and evidence and not a made up or "bought and paid for" art.



The jury generally appreciates the “crash course” on the basics so that they know what to measure the expert’s testimony against. Then, when you dig deep into the issues with the expert’s testimony and the differences in contrast to the opposing position, especially in a strongly disputed area, the jury has a base point from which to evaluate the expert’s opinions.

### **The Academia Expert**

In many instances, an expert witness comes to the lawyer from the world of academia. Presentations these experts traditionally give in their daily lives are vastly different than the one you will ask them to perform in court. Most of these academic experts are accustomed to teaching in a classroom or lecture hall, or delivering a speech at a conference. In these linear environments they are allowed to “lecture” in a free format. These audiences are different from a jury in mainly two ways: 1) their audience is already, to some degree, educated on the topic that is being presented, and 2) their audience is very eager to learn the material that is being presented. Neither of these scenarios is commonly true with a jury.

In addition, the presentation format in the courtroom is completely different. You are all familiar with the Rules of Evidence and Civil Procedure regarding the examination of a witness. Once on the witness stand, most academic experts forget that they cannot begin speaking freely about a topic or issue. They need to be reminded that they are “fed” the question and then must give a specific answer. Often they tend to carry on with an explanation of their opinion or position, ultimately resulting in a narrative objection by an attentive opposing counsel.

One of the ways to overcome this problem is by using illustrative aids or graphics. Using demonstratives is always a good idea to assist in conducting the examination of your expert witness. Visual aids can assist with the testimony of your expert regardless of the topic to which they are testifying. Not only can graphics and demonstratives assist in the testimony, but the graphic can also be used as a “visual outline” for the expert who may have difficulty remembering “where we are going next.”

In most cases, experts need to tone down their testimony as they speak to a layman jury. Demonstratives and graphics assist with this task by adding the “visual component” to the presentation. Carefully conceived and prepared graphics can assist in breaking down the topic to understandable levels.

A suggestion is to create graphics using a “build technique.” Briefly, “animate” your graphics so that they build one step at a time. Placing an entire graphic with many objects on the screen at once has been found to confuse jurors as to the message of the graphic. In using this build technique, your expert can walk the jury through each point of the graphic, giving the expert the opportunity to “lecture” their way as each build of the graphics is revealed.



Another suggestion is to have the expert get up out of the witness chair (with the court's approval) and move to the display screen to testify to the jury in a more personal and interactive manner. This can also be done even when showing your case evidence such as documents or photographs. Using this method will leave the impression that the expert is part of the graphic or evidence. We want the jury to remember the testimony as well as what is displayed to give both a more impacting impression.

Another technique we use is to provide the expert with a hard copy of the fully built demonstrative before they begin their testimony about the graphic. Once you overcome any objections, whether you are using a graphic demonstrative or an exhibit, you can then proceed with the testimony. Your expert can review the graphic from the hard copy showing it fully built. They are reminded in advance of each step that is coming and can mentally prepare what they are going to say before the question is posed.

The result is more concise testimony from your expert witness in an environment which is often uncomfortable and intimidating, even for the most seasoned academic lecturer.

### **Real Science vs. Jury Science**

Cases that involve very complex and/or technical issues can sometimes get to a point where trying to explain every detail to a jury is a daunting, if not impossible, task. Although the need to make the record complete and clear for appellate purposes causes most trial teams to try to explain every little last detail, you may need to consider a different approach. Even the best graphics, 3-D animation and compelling testimony can sometimes confuse the jury. Time spent trying to convey a complex detail is wasted and your jury will soon get frustrated, lost and disinterested. Ultimately, the results will have a negative effect on your case and cause you to waste precious court time.

The decision that needs to be made is whether you "teach" real science or jury science, real technology or jury technology, real medicine or jury medicine. The concept of Real Science vs. Jury Science is simply a suggestion to simplify a concept to its basic terms. Once you have simplified the concept, use a simple analogy to help teach it to your jury or other audience. Then, create a set of graphics to illustrate the analogy or simpler concepts. I am not suggesting that you "teach" or present inaccurate facts but merely trim the explanation, giving the audience only enough information so that they can grasp the concept to assist them in making a decision.

For example, you don't need to explain the derivation of the complete mathematical set of equations of motion to a jury to explain to how gravity works. Recently in a case, we were faced with a situation on how to explain Alternating Current used in Residential Power Distribution from a utility company to a jury. Real Science might explain Alternating Current like this:

*An alternating current (AC) is an electrical current, where the magnitude and direction of the current varies cyclically, as opposed to direct current, where the*

**LEGAL TECHNOLOGY CONSULTING, INC.**

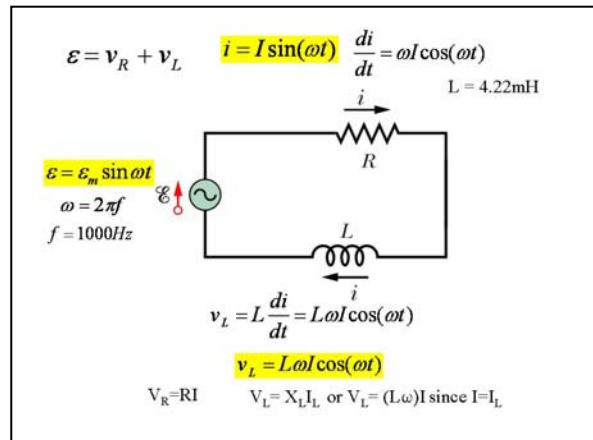
4425 E. Agave Rd, Suite 122, Phoenix, AZ 85044

Telephone: 480-753-4365 [www.LTC-INC.com](http://www.LTC-INC.com) Fax: 480-753-4366



direction of the current stays constant. The usual waveform of an AC circuit is generally that of a sine wave, as this results in the most efficient transmission of energy. However in certain applications different waveforms are used, such as triangular or square waves. The “effective voltage” is known as the RMS or Root Mean Square Voltage.

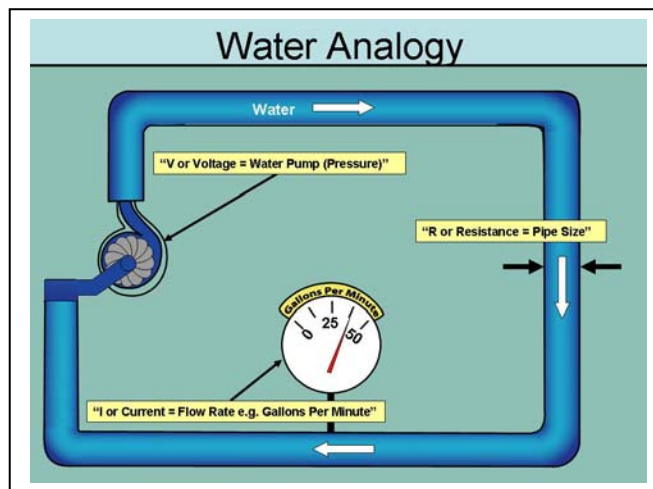
The diagram below illustrates AC current and the applicable equations.



Jury science would say:

“Electricity or current flows in a circle from point A to point B, and then back to point A.

The diagram below illustrates a “water analogy” to explain how current flows through a circuit.





Probably the best example is the analogy of electricity to water. When describing how some basic electricity works it makes sense to use a water analogy and describe how electrons can flow and act just like water in a pipe. To explain how electricity flows in a circuit is like explaining how water will flow through two pipes, or what a plumber calls “flow rate”. The bigger the pipe, the more water flows through it. The “bigger” the circuit (or least amount of resistance), the more electricity, or current, flows through it.

Thus, a set of graphics made to show a jury the water flow analogy, something they can better visualize and thereby are more familiar with, increases their ability to understand invisible electricity, rather than trying to create graphics that depict why more current flows through a better conductor.

In the above example, the simplified explanation of electricity and current through a circuit is all a jury needs to know to understand these concepts. Electricity was not on trial in this case. Rather, understanding the real world analogy of it helped the jury make a determination of liability. Using this methodology, expert testimony graphics only need to illustrate concepts, they don’t need to explain every last detail.

How to create and present these simple analogies requires a team effort. This is sometimes easier said than done. Working with an expert on how to simplify a particular issue comes with its own set of challenges. Some experts can do this with some guidance from the trial lawyer. Once the trial lawyer and the expert come up with a simplified version, make sure that:

- 1) The examining lawyer fully understands the application of the simplified issue or analogy to the specific topic and its “big picture” purposes. This exercise will be a good indicator whether or not the approach will work with the jury. It also will assist the trial lawyer in developing the examination outline that will be used during the actual direct examination, and;
- 2) The expert feels comfortable testifying to this simplified version. When the expert has a major role in the conceptual creation of the simplified graphics, agrees with the illustrations, she will understand how to use the graphics effectively as an aid to her testimony. Also, make certain that the expert understands how the computerized presentation of the graphics will work in the courtroom, i.e., with slide animation steps, changing colors, etc.

### **The Expert Report**

In most cases where an expert is retained, after analysis, the expert generates a written report. This same report is often offered as an exhibit at trial and is most certainly referenced in depositions, briefs and motions. Often times, experts’ reports need some kind of visual or

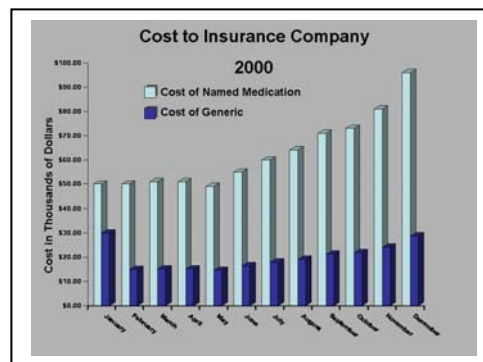


graphic enhancement because most experts are not presentation specialists, rather they are professionals in such specialties as electrical engineering, finance or economy or medical disciplines. They are not experts at the best way to illustratively depict their work. As thorough as the expert's report may be, the way in which the expert chooses to illustrate certain themes of the report can sometimes be very confusing to a layman. This may become very critical when presenting to a layman jury. Here are some tips to enhance the experts' reports before you produce them.

In addition to obtaining a printed hard copy of the report, try to get a digital copy from the expert. For example, if the report was created on a word processor using Microsoft Word, then try to get a copy of the original ".DOC" file. Ask to receive a copy of the report on a floppy disk, CD, DVD, or e-mail. In addition to the report, there may be supporting data which has also been generated and/or stored on a computer, such as charts, graphs, or scientific data. If that is the case, then ask for that information in its original digital format.

These digital versions of the "raw data" can then be imported into a variety of graphic programs such as Microsoft Excel, PowerPoint, or Adobe Photoshop. The software applications have many features that allow you to take otherwise "raw", boring data and liven it up for demonstrative purposes to assist the jury or audience in comprehension of the total report. For instance, raw numbers taken by a technical expert can easily be imported into Microsoft Excel to be later presented as a bar chart. The illustration below shows a comparison of raw data vs. a bar chart.

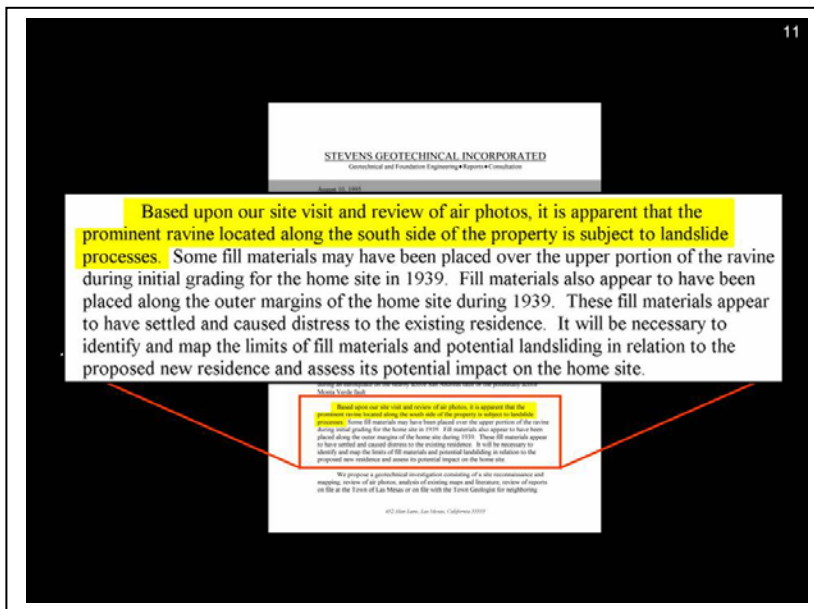
Cost to Insurance Company									
2000									
31	50	15	45	4	1.8	450	360951	3.3	
27	50	15	45	4	1.9	501	439115	3.4	
32	51	15.3	45	4	1.8	558	272572	3.3	
29	51	15.3	44	3.8	1.7	608	170372	3.3	
32	49	14.7	42	3.7	1.6	659	131486	3.3	
29	55	16.5	51	3.7	1.9	665	190293	3.3	
33	60	18	47	3.6	1.7	660	236038	3.3	
29	64	19.2	44	3.8	1.7	658	429007	3.3	
30	71	21.3	38	3.7	1.4	643	258463	3.3	
32	73	21.9	41	3.8	1.6	627	96799	3.4	
29	81	24.3	48	3.8	1.8	616	195292	3.5	
34	86	28.8	51	3.9	2	619	226602	3.4	



The two charts show the same information. The one on the left shows the raw numbers. The chart on the right shows the difference between the first and second columns of data. The objective of this data is to show the difference between the first and second column. The graphical bar chart on the right gives a better way to visually compare the two sets of numbers rather than simply observing the columns of numbers shown on the left. Juries appreciate a graphic look at a set of numbers rather than trying to study and analyze rows of numbers in spreadsheet cells.



Having the expert’s report in a digital file format allows you to easily prepare it for presentation purposes. Too many times I see a trial team take the hard copy of the expert’s report, scan it, then display charts and graphs or collections of numerical data directly from the scanned version. Charts and graphs presented in this manner lose color quality and the ability to animate or “build” the graph. A better method is to begin with the electronic files of the report, underlying supporting data, and graphic summaries of the findings and build demonstratives from that which replicate those in the report. The exception to this is displaying in court the written text of the report to a jury. To display those textual portions of the report, you can scan the report and use the image files to create specialized document slides or use your favorite trial presentation software to zoom in, “tear out” and highlight relevant portions of the report. This method is shown below.



Finally, I will repeat this suggestion because I believe it merits repeating. Use the build or animation technique. Taking the bar charts or graphs and having the chart or graph “build” one step at a time focuses the testimony and the jury’s attention on those specific points demonstrated on the chart as they are discussed.

**Using Full Motion Animation with a Technical or Mechanical Expert**

Arguably, the best graphical way to demonstrate a process, event or simulation is through the use of Full Motion 3-Dimensional Animation (3-D Animation). Using this method is by far the best way to educate and help a jury understand technical or mechanical issues and concepts. Typically there must be testimony provided to substantiate accuracy and lay the foundation for the animation. Typically, that witness is your technical or mechanical expert. Likely it is this expert’s work or research that supports the data from which the animation is



derived. Here are some tips and suggestions about using this type of technology to enhance an expert's testimony.

First, your expert must be the "designer" and "director" of the animation. They may not necessarily be an expert in the mechanical creation of the animation, but they should be somewhat familiar with how the hardware and software creates the end product. Many times in court the question is posed to the expert about how the animation was created. The expert fumbles a bit and answers that they are not aware of exactly how the animation is created but rather they agree with the results. This looks bad to a jury and makes it seem like the lawyer created the animation and has instructed the expert to testify to it, and you risk your expert losing credibility with the jury. You must make sure your expert is well-versed on what software was used, the process involved and how the file or video was ultimately created. As long as they can answer one or two of these questions, your jury will know that the expert's work is behind the animation and not just the lawyer. In addition, there is a chance that the expert's lack of knowledge on how exactly the animation was created could cause the presentation of the animation to be excluded.

When preparing to present an animation, take some time to plan and rehearse how and when the animation will be played during the expert's examination. For example, when playing an animation, you will likely want to pause at certain intervals to allow the expert to comment on the animation as well as allow the attorney to ask questions specific to the animation and the expert's opinions. A plan should be established between the lawyer, the expert and the system operator defining when the animation will be paused and, if necessary, to be reversed for clarity. Consideration should be given to the method of playing the animation. Animation files are typically produced as a computer file. Sometimes they are transferred to a DVD for playback on a commercial DVD player or they are produced as a standard digital computer file for MAC or Windows. In some instances, they are produced onto an analog video tape for playback on a standard VCR or video tape player.

### **Deposition Video Technology**

As the ease of use for deposition video technology increases, so does its use in court and Alternative Dispute Resolutions. Using Digital Video Deposition along with the transcript is a common practice with most trial teams who take technology into the courtroom. One of the obstacles in using this technology is the time and effort that is required to prepare this technology. In general, every line of the transcript must be synchronized to the corresponding timestamp in the digital video. Most legal professionals as well as vendors who choose to produce "sync'd" or "time-stamped" transcripts have been using a manual process. More recently the technology of Audio Mining has been utilized to assist technicians in quickly synchronizing digital video to transcripts. Some packages claim they can complete an 8 hour deposition in as little as 20 minutes depending on the speed and memory of the computer. Audio Mining as defined by [www.wordspy.com](http://www.wordspy.com) is:

***LEGAL TECHNOLOGY CONSULTING, INC.***

4425 E. Agave Rd, Suite 122, Phoenix, AZ 85044

Telephone: 480-753-4365 [www.LTC-INC.com](http://www.LTC-INC.com) Fax: 480-753-4366



*audio mining* (AW.dee.oh my.ning) n. The process of extracting and indexing the words in an audio file and then using that index to search the file for specific words or phrases.

By integrating this technology, software developers have introduced a way for us litigation support teams to quickly and efficiently sync our transcripts. A word of warning though. There are some limitations. Some of the developers claim only up to 85% accuracy with this auto process. Others realize the acute problems that will arise when trying to apply this process to foreign language deposition where the attorney or witness is speaking in a foreign language. The other major problem with this process occurs when attorney's and witness talk over each other, (imagine that!). Small errors in the synchronizing process can occur causing some repair work in the war room before playing testimony in court. Lets examine some of the litigation support software developers who integrated this technology into a product

### Indata's TimeCoder Pro

Indata Corp. [www.indatacorp.com](http://www.indatacorp.com) has developed Time Coder Pro a package that includes their auto sync tool. Among the features that they claim are:

RapidSync™ –Synchronizes your transcript and video on average 20 times faster than realtime. The RapidSync engine uses the latest in audio mining, speech recognition, language modeling, and transcript format detection technologies.

The TimeCoder Pro also includes their initial "Manual Synchronization" which manually timestamp deposition transcript to associated deposition video by use of a technician.

Timecoder also provides a viewer DepoView. This new tool is within TimeCoder and includes royalty-free rights to distribute transcripts, videos, and linked exhibits. With this tool end users can review synchronized digital video, create clips, and export clips into several popular formats. Clips can be shared through e-mail and viewed by almost anyone using Windows Media Player.

In addition, TimeCoder Pro includes Exhibit Linking a new tool that adds electronic exhibits to your transcript. This tool will automatically find references to the exhibit within the transcript and create links. When you view the transcript in DepoView, you can easily review the linked exhibits by clicking on the icons that appear wherever an exhibit is mentioned.

The tool also includes a Batch Processing that lets you queue two or more transcripts for automatic synchronization. Additionally they have a Quality Control Mode which checks the quality of auto-generated timecodes. Transcript lines that need to be checked are clearly marked, and using keyboard commands allows you to review and make changes. The Speech-matched Lines feature claims to provide accurate timecodes which greatly reduce 'trimming and tweaking' during pre-trial deposition clip creation.



One thing about this product is that it has expanded Import and Export. This feature handles most popular video deposition formats. See below for a complete list of supported products and file types.

TimeCoder also performs an Extrapolation - which populate missing timecodes within small sections of digital video transcripts that do not contain existing timecodes. It can also make timecode adjustments so that you can adjust existing timecodes to correct slight delays.

Below are tables for Import and Export file types as well as multi file types that they can be used.

- Import Files:

With TimeCoder Pro 5, you can import many other types of files such as:

- AMICUS (\*.ami, \*.trn)
- ASCII (\*.asc, \*.txt)
- DepositionDirector™ Case File (\*.cms)
- LiveNote™ / VideoNote™ files (\*.ptf)(\*.vid)
- RealLegal E-Transcript™/Binder (\*.ptx, \*.exe)
- MediaPlayer Synchronized Accessible Media Interchange files (\*.smi).
- Timaro™ Post-production Time Stamp file (\*.pts).
- TrialPro™ Post-production Time Stamp file (\*.pts)
- YesEdit™ CD-ROM with Sanction II™ Transcript Database (\*.mdb)

- Export Files:

TimeCoder Pro 5 allows you to export files to file types such as:

- DepoView™ Volume
- DepositionDirector™ Case File (\*.cms)
- OpenDVT™ XML file (\*.xml)
- TimeCoder™ Multimedia List File (\*.tml)
- AMICUS (\*.ami, \*.trn)
- ASCII (\*.asc, \*.txt)
- LiveNote™ / VideoNote™ (\*.ptf / \*.vid)
- Media Player Synchronized Accessible Media Interchange files (\*.smi)
- Sanction II™ Transcript Database (\*.mdb)



- Summation™ Briefcase Format File (\*.sbf)
- Timaro™ Post-production Time stamp File (\*.pts)
- TrialPro™ Post-production Time Stamp File (\*.pts)

- Multimedia Files

TimeCoder Pro also supports several multimedia file types, including:

- Audio Files (\*.aif, \*.aifc, \*.aiff, \*.au, \*.snd, \*.wav)
- Audio/Video Interface files (\*.avi)
- MP3 compressed files (\*.mp3, \*.m3u)
- MPEG Files (\*.mpa, \*.mpe, \*.mpg, \*.mpeg)
- QuickTime™ (\*.mov, \*.qt)
- Video CD (\*.dat)
- Windows Media Files (\*.asf, \*.wmv)

### Visionary Legal Technologies

This company has a product called Visionary AutoSyncer Version 7.0. Visionary Auto-Syncer is a tool that is developed by Visionary Legal Technologies.

The Visionary Auto-Syncer is a transcript synchronization tool that has uses sophisticated Voice-Recognition Technology to automatically synchronize legal transcripts to deposition videos. The tool can be used to produce transcripts, compatible with most formats including, Visionary 7.1, Sanction II®, Trial Director®, LiveNote® and the SMI format used by Microsoft PowerPoint®.

With Visionary's tool they claim that their testing indicates that an average 6-hour video can easily be completed in less than half an hour, including the QC process.

Once completed the tool uses a means of color-coding where it is 100% confident that it has synced the video correctly. It also designates areas that require the human ear to check. These areas are usually properly synced, but were marked so they can be checked to ensure the highest possible quality. Typical areas that are marked for review relate to parts of the transcripts where a second conversation is not recorded by the court reporter but can be heard on the video.



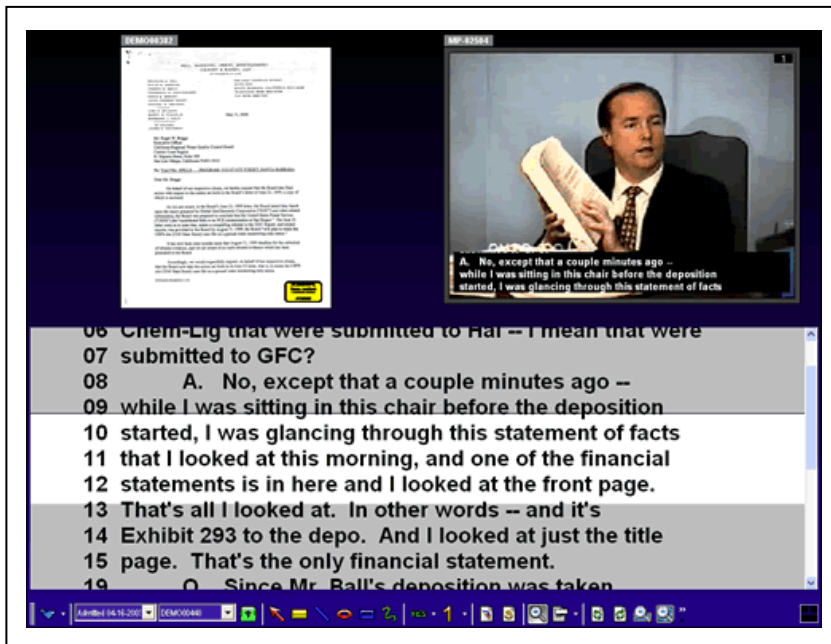
## The Latest and Greatest in Trial Presentation Software

One thing is for sure, with trial presentation software, you can't go wrong with any of the top sellers. Depending on the poll you are viewing, anyone of these packages are listed at the top. Every year each of them strives to improve their product. Among the top package used in litigation support are:

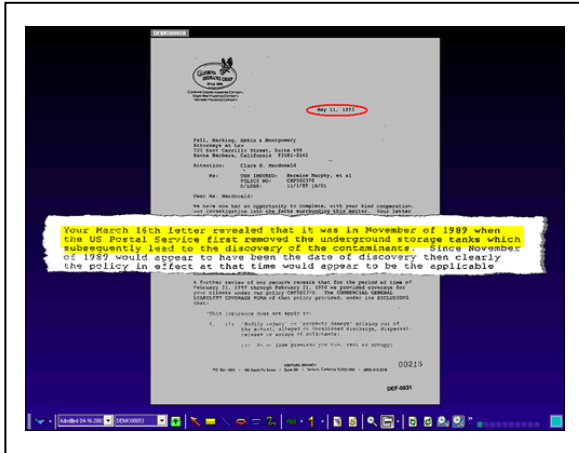
- inData's Trial-Director Suite
- inData's Timeliner Express
- Verdict System's Sanction/Verdical
- Visionary's Legal Technologies' Visionary
- CaseSoft's TimeMap
- Microsoft's PowerPoint

Most of you are familiar with the basic features of these software's. As each company's development team strives to enhance their software, new unique features become available to their end user customers. Here are some of the newer features that each has incorporated.

### inData's Trial Director Suite

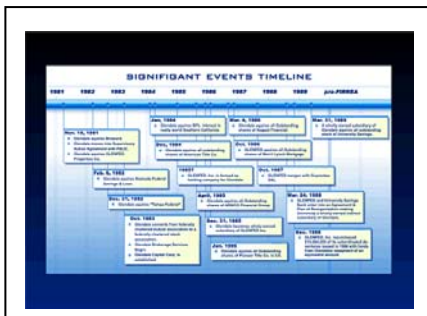


Trial Director has incorporated some new tear out features that improve their already slick document annotation tool of magnifying a document as shown below.

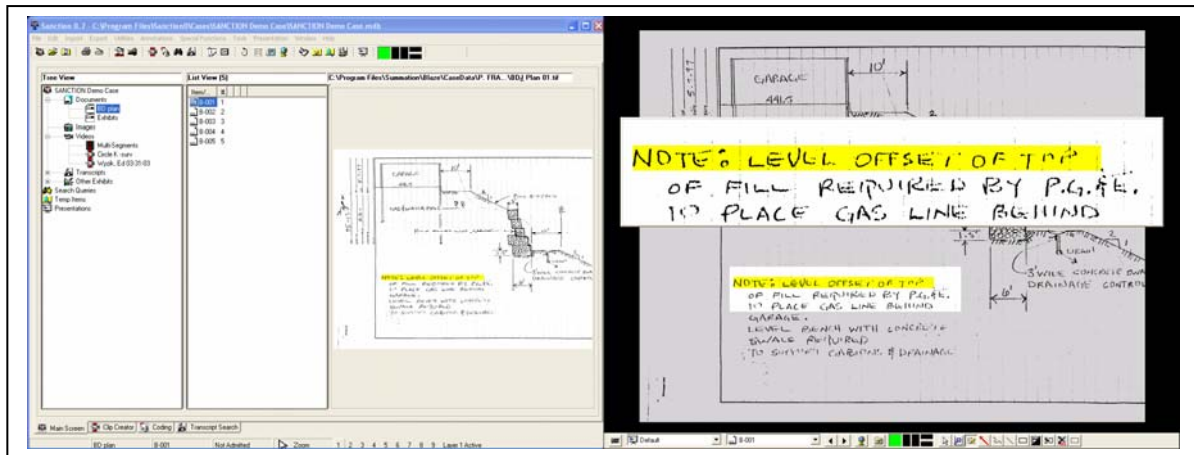


They now include 7 new tools to use for their tear out features for this popular tool. They also have improved their deposition video clip creation tool in Deposition Director making easier to “fine tune” edit video clips when the time stamping process has caused slight error in the beginning and ending of a clip. In addition they have integrated a better Trial Director tool bar adaptability to allow one to customize the tool bar normally shown at the bottom of the trial presentation screen. Other new features are the Transpose tool which allows one to “transpose” to signatures on top of each other to compare tow portion of an image. Trial director also has added a PDF tool to allow end users to work directly with PDF’s. Thus, allowing one to zoom, highlight an annotate PDF”s.

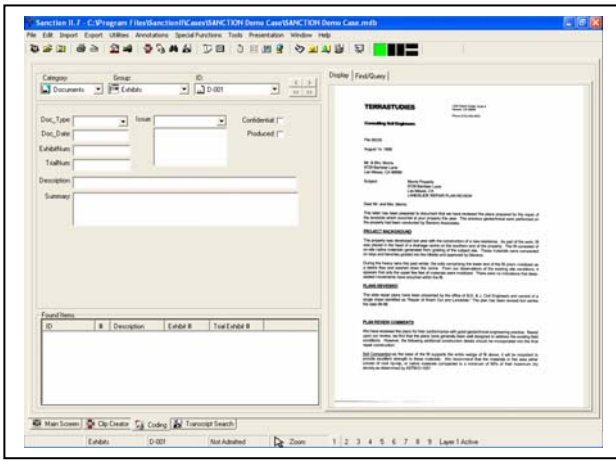
TrialDirector also integrates well with their timeline tool that allows for production of 3-D interactive timelines. Timeliner Xpress allows one to import timeline events from text files or Summation Event Manager directly into this application making the generation of timelines very easy. The tool has the ability to link to exhibits that have been loaded in the Document Director suite for instant call up. One unique feature of Timeliner Xpress is the ability to display a unusually long timeline by scrolling through the timeline as you move from left to right. This action allows a presenting attorney to use a long time line with many events in one file.



## Verdict System's Sanction



While Verdict Systems is advertising its new product, Verdical, as a more comprehensive case management software to replace its original trial presentation product, Sanction, we are a big fan of the Sanction presentation software. As of Version 2.8, the company claims that Sanction now has video support for 16 x 9 ratio video and high def (high definition) video. Thus, this tool can now play true 1080i video format similar to hi-end TV units. Sanction has improved its "Verdict Integrator" to allow easy installation of all "scripts" to allow it to work in coordination with other litigation support packages such as CaseMap and Summation. When installed, one can use one of these tools as their case manager while still using the presentation features of Sanction. Sanction also has incorporated a coding tool that allows end users to customize and build a database behind their document or exhibits. This tool allows an end user to code a database or import one from another application, then run searches in court to find certain documents or exhibits. With another click the desired document can then be quickly displayed in their trial presentation mode.



## CaseSoft's TimeMap

A very popular tool in most of the polls found in the litigation support publications is TimeMap. A widely used tool, CaseSoft has constantly improved their product to keep up with the success of its case management tool, CaseMap.

Some of the many new features in TimeMap 4 include Instant PowerPoint Slide Shows. TimeMap 4's new "Send to PowerPoint" feature makes it easy to create PowerPoint slide shows based on TimeMap timeline graphs. By viewing the new import to PowerPoint, one can take a TimeMap timeline containing 15 facts. Clicking TimeMap 4's "Send to PowerPoint" option instantly generates a PowerPoint slide show containing 15 separate slides, each with the next fact in sequence presented front and center. Facts that have been shown on prior slides are faded back, but visible. Future facts are hidden. Pressing F5 in PowerPoint kicks off the presentation and you're viewing a slide show in which the timeline builds from slide to slide. The feature allows you to use the "animation" features in PowerPoint after saving hours of time building each event.

### Vertical Timelines

TimeMap 4 offers a new vertical time scale orientation that results in an entirely new style of timeline graph. The new tool allows for a easy view of a timeline in a vertical view rather than the traditional horizontal view.

TimeMap has also upgraded the template looks for their timelines giving the end user a better selection of gradient fills for chart backgrounds, for time scales, and in facts themselves. And TimeMap 4's new Template feature makes it easy to put these sharp styles to work.



## Title & Introduction Pages

They have also added the ability to include title and introduction pages along with your timeline graph. These graphics might include your organization's logo, can be employed in the headers and footers of title and introduction pages.

## Built-in PDFing

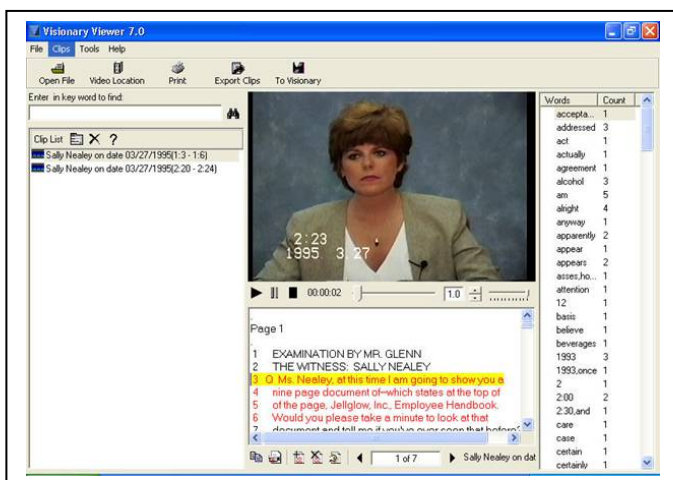
The ability to create PDFs of timeline graphs is built right into TimeMap 4. You don't need to own a full Acrobat license. There's even a "PDF & Email" option right on TimeMap 4's toolbar. When TimeMap 4 creates a PDF, it goes so far as to add a bookmark for each fact, thereby making it easy to navigate to different events in the timeline.

## Enhanced Sanction Integration

TimeMap 4 features tight new integration with Verdict System's award-winning Sanction presentation product. This integration makes it super easy to use TimeMap timelines during trial. You can also now send document information from Sanction to TimeMap to instantly create timelines.

## Visionary Viewer

Along with its AutoSyncer tool mentioned above, Visionary also has its trial presentation software called Visionary Viewer. The most talked about feature in this tool is their issue builder. Similar to folders or presentation folders, this features allows and end user to create "IssueBuilders" based on your choice of criteria, i.e., subject, key points, arguments, etc. and drag and drop documents, video clips, pictures, etc. into those outlines.





Below listed are some of the features as viewed from Visionary's web site.

Feature	Benefit
<p><b>Quick Search</b> Quickly and easily search up to a million documents in a matter of minutes using key words, phrases, or subjects. Also search transcripts with the click of a button.</p>	<p>This saves a tremendous amount of time, which translates to money without sacrificing billable hours.</p>
<p><b>Fact Database</b> The Facts Digest Wizard is a versatile reporting tool that allows you to filter, group, and sort facts into IssueBuilder outlines. The wizard prompts you to design the outline structure, filter which designations, events, issues, and people to include in the report, filter which depositions should be included, set the sort order, and determine to which IssueBuilder these facts should be added.</p>	<p>Create an orderly structure of easily accessible information that can be weighted and evaluated.</p>
<p><b>Objection Editor</b> Users can mark objections or other text on-the-fly which will automatically be muted out and unseen while still showing allowable synchronized text with video in CourtViewer Mode.</p>	<p>Save time and video edits by being able to mark objections on-the-fly. Modifying objection issues that took place during deposition.</p>
<p><b>Data Import and Export</b> You can import or export to many different pieces of software thru ASCII format or directly with Summation, LiveNote, Concordance, as well as many others. Visionary 7 is also fully compatible with iConect.</p>	<p>No need to change the existing software you may have in order to utilize the benefits of Visionary 7.</p>
<p><b>Dual Screen Presentation</b> The Visionary 7 dual screen CourtViewer maximizes presentation effectiveness by minimizing the amount of work that the judge and jury see being done to present information. With dual screen, there's no need for pop-out toolbars and the amount of mouse movement across the screen is minimized. In addition, it also gives you the flexibility of searching, preparing and previewing data before it is displayed, while the judge</p>	<p>Show powerful presentations in the courtroom with ease to emphasis your point. Viewing transcripts, documents, photographs or deposition video clips on a screen in court highly impacts the jury.</p>



Feature	Benefit
<p>and jury are simultaneously reviewing information. Without question, this is the preferred method of presenting in a trial setting because it simplifies the effort required to put on a first-rate presentation.</p>	
<p><b>Printing</b> Print condensed transcripts with or without word indexes, user notes, documents, IssueBuilders, reports, bar codes and photographs.</p>	<p>Contain everything in one place. Print a hard copy of synopsis reports.</p>
<p><b>IssueBuilders</b> Create IssueBuilders based on your choice of criteria, i.e., subject, key points, arguments, etc. and drag and drop documents, video clips, pictures, etc. into those outlines.</p>	<p>Outline your entire thought process with visual transcripts, exhibits, photographs and video clips quickly &amp; easily.</p>