

Paper to Pixels

The Evolution of Courtroom Technology
and Its Impact on Winning Cases

By Jon Walton

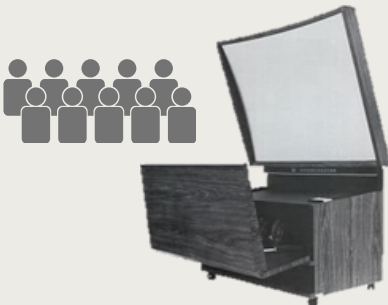
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It was June 1987

at the US District Court in St. Louis, Missouri, in response to an objection of an attorney displaying documents to the jury on a big screen TV, the judge said, **"Just because they brought show and tell and you didn't is no defense, your objection is overruled."** And just like that, I knew technology in the courtroom was the future. It was an eye opening moment for a young black paralegal contemplating law school while working for his brother's firm. I was experiencing first hand using what was at the time considered to be state of the art technology. A copy stand with a video camera connected to a roll away rear projection TV. My first presentation system. Yes, we won that case too!

Welcome into the dynamic intersection of law and technology seen through the eyes of Jon Walton, a consistent figure in the legal realm whose influence extends far beyond the conventional boundaries of litigation support. As the author of "Paper to Pixels: The Evolution of Courtroom Technology and Its Impact on Winning Cases," Mr. Walton unfolds a narrative that encapsulates the transformative journey from traditional paper-based proceedings to the digital age.



With a career spanning over 3 decades, and participating in over 200 litigation events (trials, hearings and arbitrations), Mr. Walton has become synonymous with innovation in the legal field. As a Senior Trial Technology Consultant working with the top litigators at Latham & Watkins; Nixon Peabody; McCormick Barstow, Kirkland & Ellis and Faegre, he has not only participated and witnessed but actively shaped the evolution of courtroom technology. Through "Paper to Pixels," Mr. Walton offers a comprehensive exploration of this evolution and its profound impact on the art of winning cases in a modern legal practice.

Delving into the intricacies of coordinating trial technology services for litigation events worldwide, Mr. Walton's expertise encompasses the gamut of technology leading up to the strategy room (war room) before the face off in court. His insights on supporting, maintaining, and troubleshooting legal applications and exhibit databases while giving a jurors perspective of the event, provides an invaluable roadmap for legal professionals navigating the digital landscape.

Beyond the technical realm, Mr. Walton's involvement in high-stakes litigations across state and federal courtrooms, including the groundbreaking NAACP v. East Ramapo Central School District case, showcases his hands-on experience in leveraging technology for persuasive advocacy. This booklet highlights pivotal moments, such as the first virtually held oral closing argument during the 2020 COVID pandemic, demonstrating the real-world implications of the shift from paper to pixels.

"Paper to Pixels" is a guiding beacon for legal professionals seeking to understand and harness the power of evolving courtroom technology. From witness preparation to creating persuasive opening and closing visual presentations (where 70-80% of cases are won or lost), Mr. Walton's insights offer a strategic advantage in litigations involving major corporations.

Thank you for exploring the transformative journey outlined by Mr. Walton in "Paper to Pixels." This illuminating work will be an indispensable resource, providing knowledge and a roadmap for legal practitioners navigating the landscape of courtroom technology while offering a unique perspective on how the shift from paper to pixels is reshaping the narrative of winning cases in the modern legal era.

The purpose of this guide is to empower legal professionals to navigate and utilize technology seamlessly in the courtroom. This guide will also provide an overview and help you understand tech jargon and legal technology steps, as well as tips and resources for using technology effectively.



Embracing Technology in the Courtroom: Improving Efficiency and Effectiveness

Technology has been rapidly evolving over the past few decades, and the legal system is no exception. From e-filing and case management software to virtual hearings and artificial intelligence (AI)-powered legal research tools, technology is playing an increasingly important role in all aspects of the law.

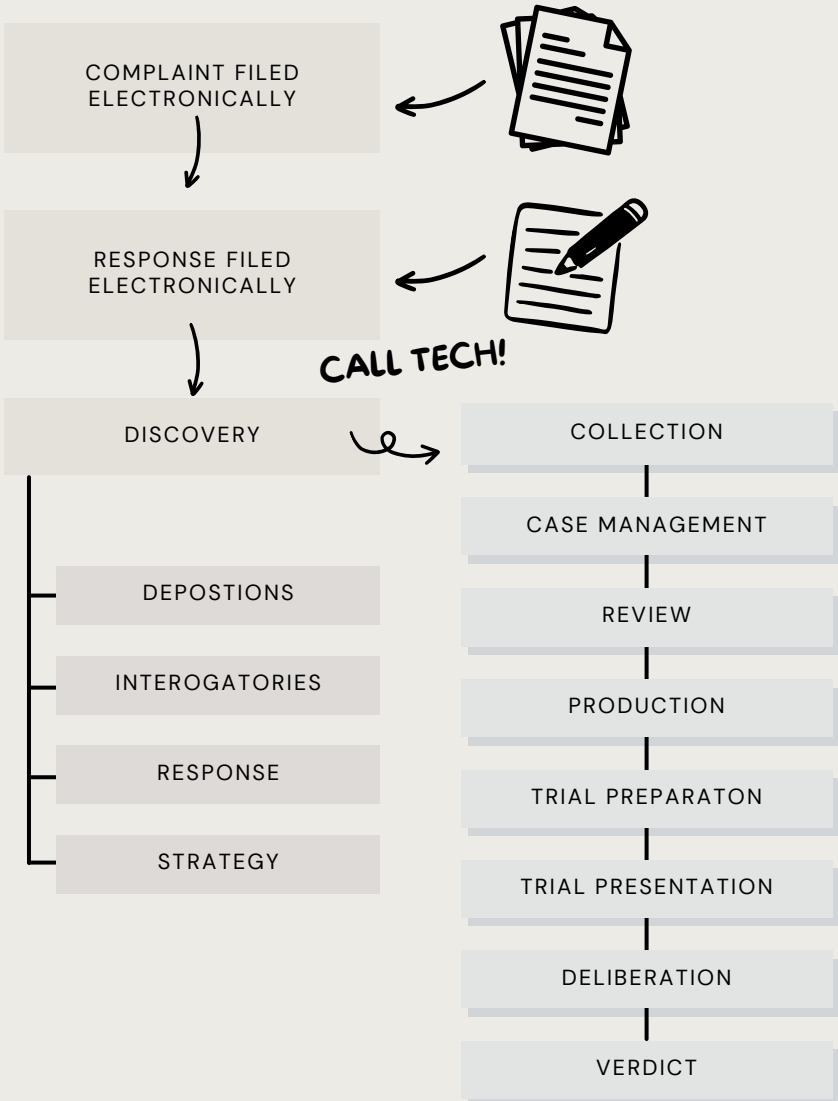
It's very important for legal professionals to **embrace technology**. Here are the main reasons why:

- **Efficiency:** Technology can help to save time and money by automating tasks, streamlining processes, and improving communication.
- **Effectiveness:** Technology can help attorneys to be more persuasive and effective advocates by having access to powerful tools and resources.
- **Access to justice:** Technology can help to expand access to justice by making it easier for people to find legal information and services.

Embracing technology for efficiency and effectiveness in the courtroom has become not just an option but a necessity for legal professionals seeking to optimize their practice and achieve favorable outcomes. It has the power to streamline courtroom processes, reducing administrative burdens and freeing up valuable time for attorneys to focus on the substantive aspects of their cases. It also plays a pivotal role in crafting persuasive presentations that resonate with judges and juries and provide the best representation for their clients.



Legal Process Overview



The Evolving Landscape of Technology in the Courtroom

The courtroom has long been a place of tradition, where legal proceedings have been conducted in a largely unchanged manner for centuries. However, the most significant impact of technology in the courtroom has been the use of electronic or digital evidence. Electronic evidence and data, such as documents, emails, social media posts, electronic records like Word docs, PowerPoints, Excel spreadsheets, and PDF's are commonplace in all of today's cases.

This type of evidence can be highly complex and difficult to capture and manage. As a result, lawyers are turning to technology support specialists to help capture, manage and analyze evidence.

Why Electronic Evidence?

Compared to traditional paper and physical objects, electronic evidence has numerous advantages. It can be easily copied, stored, and transmitted, making it more accessible and manageable.

Additionally, electronic evidence can provide a more detailed and accurate record of events, as it often captures creation dates or real-time interactions and transactions, along with its origin, chain of custody, and other metadata. Electronic evidence can offer valuable insights into an individual's thoughts, intentions, and actions, providing essential context to comprehend events and establish culpability.



The admissibility of electronic evidence is subject to certain legal standards and considerations. To be admitted into court, electronic evidence must meet the criteria of relevance, authenticity, and reliability.

Relevance establishes whether the evidence has a bearing on the issues in the case and whether it is likely to influence the jury's decision.

Authenticity ensures that the evidence is what it purports to be and that it has not been tampered with or altered.

Reliability verifies that the evidence is accurate and trustworthy, reflecting the events or transactions it represents.

In addition to these general admissibility standards, electronic evidence may face specific challenges related to its digital nature. The chain of custody, which documents the handling and preservation of evidence, must be established to ensure the evidence has not been tampered with or altered.

Common technologies defined and discussed in this guide include:

E-filing: The shift to electronic filing (e-filing) has made it much easier and more efficient to file court documents, reducing paper waste and saving time and money. In addition, e-filing systems have made it easier for attorneys to track the status of their cases and share documents with the court and opposing counsel.

Case management software: CMS is another important tool used by law firms allowing attorneys to organize and access case information seamlessly. Cloud-based case management systems provide secure access to case files, documents, and communications from anywhere, anytime. This real-time access enables attorneys to stay up-to-date on case developments and respond promptly and manage their communications with clients and opposing counsel. This can help to improve efficiency and reduce the risk of errors.

Virtual Proceedings and Video Conferencing: Virtual hearings became common in the wake of the COVID-19 pandemic. Using software like Zoom, Teams or Cisco Webex allow attorneys and witnesses to appear in court from anywhere in the world, reducing the need for travel and other expenses. Virtual hearings can also be more convenient for parties who have difficulty traveling, such as those with disabilities or facing geographical or logistical challenges. Video conferencing is also used frequently to allow remote depositions. This flexibility has proven particularly beneficial, however, **there may be challenges when solely relying on internet access and its speed.**



In late March of 2020, Mr. Walton was tasked to set-up and host the well documented NAACP v. East Ramapo Central School District in the New York Federal Court case on voters' right violations. For the closing argument, Mr. Walton consulted, organized, coordinated, hosted and "hot-seated" what was noted as the first virtually held closing argument due to the pandemic. Open to the public, there were more than 200 attendees logging in and out of this new Zoom platform.

Computer-aided transcription (CAT): While it may never replace a live court reporter, CAT can be used to create a real-time transcript of court proceedings. This can be helpful for judges, lawyers, and parties to provide a more complete record of what was said in court.

Courtroom presentation software: Courtroom presentation software such as Trial Director, OnCue, Trial Pad, Exhibit Presenter and PowerPoint are used to display evidence and presentations during court proceedings. Using these multimedia software applications while incorporating impactful visuals, animations, and audio-video clips, can effectively convey complex legal arguments, making them more engaging for the judge or jury. Displaying interactive exhibits also allow attorneys to dynamically present evidence, calling out paragraphs and sentences while highlighting key points and guiding the viewer through the narrative of the case. Much more on this later in the book.

Below are some popular software application you should consider.



TRIAL DIRECTOR 360



TRIAL PAD



POWERPOINT

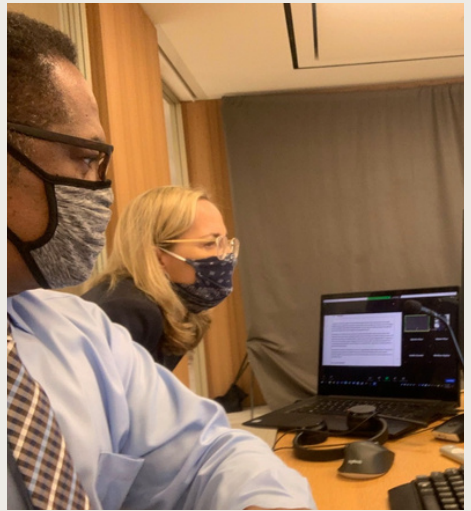


EXHIBIT PRESENTER

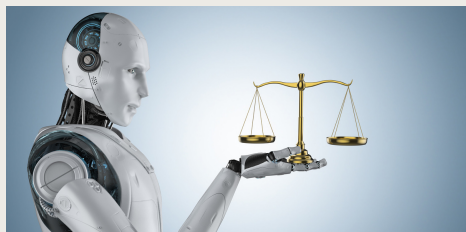
The Evolution of Technology in the Courtroom

Historically, jurors were left to rely solely on their understanding of complex legal concepts and proceedings. However, the use of technology in the courtroom has become essential in modern times. Interactive presentations are now commonplace, as they help jurors better comprehend the case in question. Furthermore, if technology is not utilized, it may convey an archaic image and even be perceived as incompetence. Consequently, most courtrooms are now equipped with cutting-edge technology, from document projectors or cameras known as ELMO's to monitors for the jury, judge, counsel, and even the court reporter, all linked via HDMI (High-Definition Multimedia Interface). Some courts also have video conferencing technology, allowing witnesses to testify remotely, which is particularly useful in cases where witnesses have conflicts or struggle to appear in person.

As technology continues to evolve, we can expect to see even more innovative uses in the legal system. However, it is important to be aware of the challenges that technology may present and take steps to mitigate those challenges. Ensuring compatibility with court technology systems can be mitigated with testing prior to the start of trial. Additionally, attorneys must be well-versed in technology to effectively integrate it into their practice and avoid disruptions during proceedings. We strongly suggest adding a qualified technology consultant (Hot Seater) and graphic artist to your team. Make time to practice showing exhibits during witness prep so you and the witness are comfortable in court. And when you find a good "Hot-Seater" ...stick with them! **A well orchestrated examination of a witness in harmony with your technology consultant is priceless.**



The Impact of AI on the Legal Industry



In a world where information overload can overwhelm even the sharpest legal minds, enter Artificial Intelligence (AI) as your trusty sidekick. AI is transforming the way legal services are delivered, making tasks easier and more efficient for legal professionals.

Finding Answers Faster: Imagine having a super-fast, super-smart assistant who can scour through piles of legal documents, cases, and laws in a blink. AI's magic lies in understanding complex legal jargon, quickly finding the information you need without spending endless hours on research.

Making Sense of Documents: AI doesn't just find information; it helps make sense of it all. It reads through contracts and legal papers, pointing out important bits, potential risks, and any tricky parts that need a closer look. This means you can review documents faster and more accurately.

Predicting What's Next: Ever wish you had a crystal ball for your cases? AI comes pretty close! By looking at how similar cases played out in the past, it helps predict possible outcomes. This gives you valuable insights to plan your legal strategies more effectively.

Digging Up Information: When you're dealing with heaps of electronic data, AI steps in as your super-efficient detective. It digs through mountains of information for e-discovery and due diligence, saving you time and effort. AI technologies excel at analyzing vast volumes of electronic data. These tools efficiently categorize and extract pertinent information, reducing the time and costs. Similarly, in due diligence exercises, AI aids in identifying compliance issues within extensive documentation swiftly and accurately.

Keeping Things Ethical and Human: As much as AI can do amazing things, it still needs your human touch. You're the expert who interprets AI's findings, applies legal reasoning, and ensures ethical standards are met.

AI isn't here to take over; it's here to team up with you. As technology keeps evolving, AI will continue making your legal journey smoother, more efficient, and more client-centered. It's a partnership that's shaping the future of law for the better. Below are two suggested AI bots you can find on Google.

Chat GPT-3: capable of generating human-like assisting in various tasks.

BERT: Natural language processing tasks, focusing on understanding context.

E-Discovery and Digital Forensics

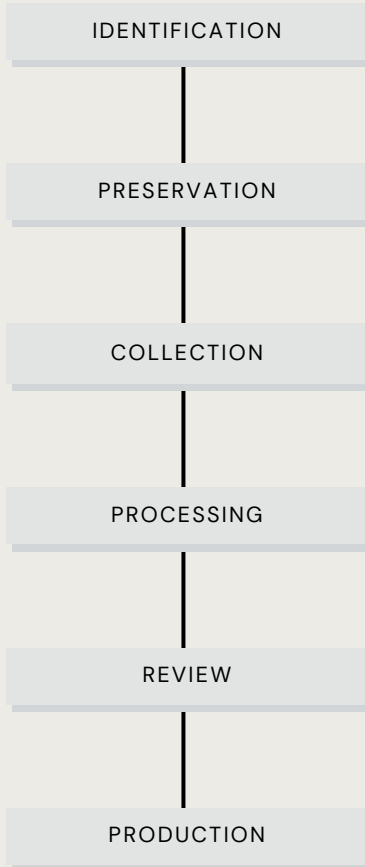
E-discovery encompasses the processes of identifying, collecting, preserving, reviewing, and producing **electronically stored information (ESI)** that may be relevant to a case. The pervasiveness of ESI, ranging from emails and documents to social media posts and text messages, has transformed the landscape of litigation, demanding a sophisticated understanding of e-discovery principles and practices.



The significance of e-discovery stems from the sheer volume and complexity of ESI that is generated and stored in today's digital world. This vast trove of data holds the potential to uncover critical evidence that can shape the outcome of a case. E-discovery enables parties to identify and access relevant ESI, allowing them to build their arguments, assess the strengths and weaknesses of their claims, and prepare for trial. Moreover, e-discovery plays a crucial role in ensuring the fairness and efficiency of the legal process by ensuring that all parties have access to the information that may become evidence.

Stages Of E-Discovery

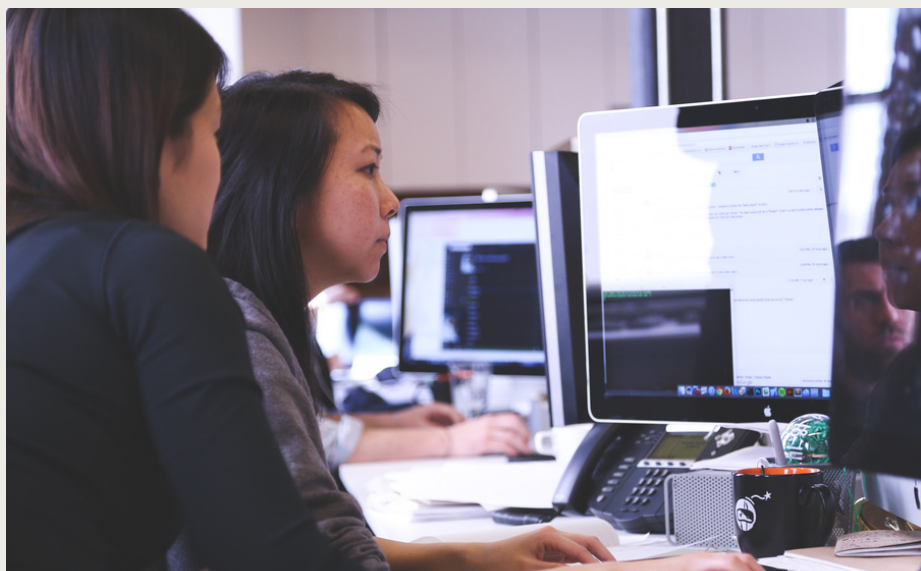
CALL TECH!



The e-discovery process typically involves several key stages:

- 1. Identification:** Parties must identify and locate all potential sources of relevant ESI, including computers, servers, mobile devices, and even cloud storage platforms.
- 2. Preservation:** Once ESI is identified, it must be preserved to prevent its alteration, deletion, or destruction. This may involve implementing legal holds, disabling data deletion routines, and/or creating backups.
- 3. Collection:** The relevant ESI is collected from various sources and consolidated into a central repository for further processing.
- 4. Processing:** ESI undergoes a culling process to remove irrelevant or duplicate data, organize it into a manageable format, and extract key metadata.
- 5. Review:** Attorneys and legal professionals teams review the processed ESI to identify documents and other materials that are relevant to the case.
- 6. Production:** The identified relevant ESI is produced to the opposing party, allowing them to review and assess its potential impact on the case.





CHALLENGES AND CONSIDERATIONS

E-discovery presents several challenges that must be carefully considered:

Volume and Complexity: The sheer volume and complexity of ESI can make the e-discovery process time-consuming and costly.

Data Security: Sensitive and confidential information must be protected throughout the e-discovery process to comply with data privacy regulations and prevent unauthorized access.

Technical Expertise: Collecting, managing and exporting large volumes of ESI requires specialized technical expertise and the use of e-discovery software tools. **Your firm support staff or reach out to a vendor for this process.**

Cost-Effectiveness: E-discovery can be a significant expense in litigation, and parties must carefully balance the costs of e-discovery with the potential benefits of uncovering relevant evidence.

Digital Case Management Systems

Case management systems (CMS) are software applications that help lawyers manage their cases and electronic evidence. CMSs typically provide a variety of features to help users manage their cases, such as:

- **Case tracking:** CMSs allow users to track the progress of their cases from start to finish. This can help to ensure that cases are handled in a timely and efficient manner.
- **Document management:** CMSs provide a central location for storing and managing documents related to cases. This can help users to easily find the documents they need, and it can also help to ensure that documents are not lost or misplaced.
- **Communication:** CMSs can facilitate communication between different parties involved in a case. This can help to keep everyone informed of the latest developments, and it can also help to resolve disputes more quickly.
- **Reporting:** CMSs can generate reports on a variety of metrics related to cases. This can help users to identify trends and to make informed decisions about how to improve their case management processes.

Here are some suggested software tools to consider...

Thomson Reuters Elite 3E

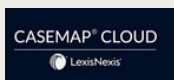
LexisNexis InterAction

OpenText eDOCS

CaseMap

OPUS2

Those are a few examples of the many legal case management tools used today in law firms. The best solution for a particular firm will depend on its specific needs, budget, and technical expertise within your firm.



opentext | eDOCS



OPUS2



Setting Up and Managing a Strategy “War” Room

Litigation war rooms serve as nerve centers during complex legal battles, requiring meticulous planning, strategic organization, and a tech-savvy approach. Creating an effective war room involves several crucial steps and considerations.

Space and Location: Choose a spacious and easily accessible location, preferably close to the courthouse or if out of town near your hotel or local office.

Layout: Plan the room layout to accommodate the total number of team members using large tables, comfortable seating and ample wall space for drinks and snacks.

Technology Setup: Ensure reliable high-speed internet and flawless printing as your priority. You may even consider hiring a print vendor to help your team create witness folders and binders. Engage your local tech department or consultant to set up the network, workstations, monitors, shared and local printers. Add conference and presentation equipment if space allows for witness prep and client meetings. Electrical outlets are a premium. Utilize numerous powers strips for each work station.

Supplies: Stock the room with essential office supplies like pens, notepads stationery, document organizers, binders, and very comfortable seating. Anticipate extended work hours.

Security Measures: Confirm after hour security protocols and implement robust cybersecurity measures to protect your property and sensitive client data. Limit physical and digital access to authorized personnel only, employing encryption and secure login credentials. (Click on the link below to see a war-room set-up).

<https://youtu.be/9eyi3F2qyiU>



Getting witnesses ready to take the stand

Witness preparation for any litigation war room typically include:

Reviewing Testimony: Witnesses collaborate closely with the legal team to review their testimony. This includes reviewing any previous depositions, recalling events, clarifying details, review documents, exhibits, and other evidence relevant to their testimony. Understanding and being able to reference these materials during the trial is crucial to ensure consistency in their statements.

Mock Trials Practice Sessions: Participate in mock trials or practice sessions where they get extensive question-and-answer sessions to anticipate potential cross-examination questions. This helps in preparing strong and consistent responses during the actual trial. This also helps in familiarizing the witness with the courtroom procedures and enhances their confidence and articulation when live.



Understanding Legal Strategy: Witnesses should get briefed on the legal strategy, including the themes and arguments the legal team plans to present. This ensures their testimony aligns with the overall case strategy.

Feedback: Witnesses might also provide feedback to the legal team based on their practice sessions, helping refine the presentation strategy or identify areas that need further attention..

The goal is to ensure that witnesses are fully prepared, confident, and aligned with the legal team's strategy, enabling them to present their testimony effectively and credibly during the actual trial.

Presenting Digital Evidence in the Courtroom

In the high-stakes world of litigation, effectively presenting electronic evidence in the courtroom requires thorough preparation and the use of appropriate tools and techniques. This can be the difference between winning and losing a case. That's why legal professionals often engage a Trial Technology Consultant, also referred to as the "Hot-Seater," and/or a Graphic Artist. These specialized professionals bring a wealth of expertise to the courtroom, ensuring that evidence is presented in a clear, compelling, and persuasive manner.

The "Hot Seater", will utilize upgraded specialized laptops and industry software solutions such as PowerPoint, Trial Director, Trial Pad and OnCue. These litigation presentation software applications allow for the creation of visually compelling and informative presentations that seamlessly integrate with various types of digital evidence, including documents, images, depo clips, and animations. These software tools combined with the courtrooms hardware technology, which include high-resolution projectors or digital displays, touch screens monitors, whiteboards, and laser pointers can enhance the presentation of electronic evidence, making it more engaging and impactful for the jury.



While you focus on the trial and your examinations, your hot seater should act as an extension of your conscious. Anticipating your every move as you examine witness and have the experience to be prepared for unexpected turns during a trial. Your hot seater should work closely with your trial team and paralegal to make sure they have the most updated exhibits imported into their presentation software.

Your hot seater should be well-versed in the specifics of your case and have a general understanding of the facts, legal arguments, and strategies that you and your team have developed. A strong hot seater should be able to anticipate the questions that you will ask and have the necessary exhibits ready to present to the witness. They should also be ready to provide support and guidance whenever necessary.

During the trial, it is important to maintain open communication with your hot seater. Make sure they are aware of any changes in strategy or new exhibits or information that may affect your examination. This will help them adjust their preparations accordingly and ensure that your trial runs smoothly.

Send them your earliest and updated examination outline so they can review and be prepared for the witness as well. For cross-examination, discuss with your consultant your plan to impeach by video deposition playback with scrolling transcript or simply by reading the transcript text only. You may also discuss your preference of annotation, or give them the freedom to follow at will. Your hot seater should be able to quickly display any of your exhibits or demonstratives as a single page or side-by-side instantly because every second during a litigation events are crucial and any delays may distract a jury.

To ensure consistency, coordinate with your team on the method of referring to exhibits. This can be achieved through standardization of exhibit numbers, tab lists, or plaintiff/defendant exhibits. Additionally, when referencing a page, it's recommended to use the PDF page number and/or the marked page number (if different), and the bates number as a reference point. This approach will also help witnesses locate the exact page when referring to hard copies.



Make sure you engage your hot seater as soon as you have a scheduled event date since most good hot seater's calendars fill up fast. Have your hot seater participate in all of your witness prep activities. This will help them become familiar with important exhibits and document you plan to present and what language in those documents and emails are critical. Your hot seater should work closely with your trial team and paralegal to make sure they have the most updated exhibits and depositions imported into their presentation software.

The importance of your hot seater cannot be overstated as they are the tool you use to present your information to the jury in a precise and timely manner. Your evidence and presentation is only as good as your hot seater!

The use of technology in courtrooms is not without its challenges. The potential for technology to fail or be interrupted may become a distraction to the jury. Therefore, it is very important to visit the court prior to the start to test technology and visualize the trial. Where you will stand during examination? Is there a clear line of site between you and the witness, judge and the jury? Is there a clear line of vision of the electronic evidence being displayed for the witness, judge and the jury? Are there enough electrical outlets for your computers and accessories? Can you be heard clearly in the back of the jury box or will you need a microphone? Does your clicker easily advance your opening slides from the podium? Can you see and hear the audio of your video depositions? Early in my career, we needed to impeach a witness on key testimony from their deposition; **the video deposition playback failed**. The lead attorney was so disrupted, he decided to ask for a break and the two parties proceeded to reach an unwarranted settlement.

A good hot seater can be an invaluable asset during a trial. They can help you stay organized, anticipate curveballs, while you stay focused on your examination. With a strong hot seater by your side, you can enter the courtroom with confidence and achieve the best possible outcome for your client.



The Importance of having a Trial Technology Consultant for Effective Presentation of Evidence

Technical Expertise

The Trial technology consultants (“hot-seaters”) possess in-depth knowledge of the latest courtroom technology and presentation software, including multimedia equipment, and courtroom AV systems. They can seamlessly integrate these tools into the presentation, ensuring that your electronic evidence is displayed flawlessly, without distractions on demand.

Real-Time Presentation Management

During trial, things can change quickly. A trial technology consultant sits at the “hot seat,” anticipating the attorney’s needs and seamlessly transitioning between evidence exhibits, animations, and other presentation elements. This ensures that the presentation flows smoothly and without technical hiccups.

Graphic Presentation Design

Trial technology consultants are not just tech experts; they are also skilled presentation graphics designers. They can create visually compelling graphics for your opening, closing or expert slides to include animations, and/or multimedia. They can also quickly make last minute changes from your graphics vendor.

Reduced Attorney Stress

Attorneys already have a lot on their plates during trial. Hiring a trial technology consultant takes the burden of managing the presentation off their shoulders, allowing them to focus on their examination, legal analysis, argumentation, and advocacy.

Increased Persuasiveness

When evidence is presented effectively, it has a greater impact on the jury. A skilled trial technology consultant can help attorneys seamlessly present their evidence in a way that is clear, concise, and persuasive, ultimately increasing the chances of a favorable outcome.

Investing in a trial technology consultant is a necessity for the success of your case. By leveraging their expertise and experience, you can ensure that your evidence is presented in the most impactful and persuasive manner possible.



For opening and closing presentations, it's highly recommended you add a professional Graphic Artist. Here are the key reasons why:

Expertise in Visual Communication: Graphic artists specializing in legal presentation possess the expertise to effectively convey complex legal arguments and evidence through visually compelling graphics. They can transform dry legal concepts into clear, colorful, concise, and impactful visuals that resonate with the audience, including judges, jurors, and potential clients.

Enhanced Persuasiveness: Visuals play a crucial role in capturing attention, enhancing understanding, and reinforcing key arguments. A skilled graphic artist can create persuasive visuals that complement and amplify the spoken word, making any presentation more engaging and impactful.

Strategic Storytelling: Effective legal presentations are not just about presenting facts; they are about telling a compelling story that persuades the audience. Graphic artists can help craft a narrative thread by designing visuals that guide the audience through the presentation's key points, making it easier to follow and retain information.

Credibility and Professionalism: High-quality visuals project an image of professionalism and credibility, which is essential in the legal arena. A professional graphic artist can create polished and sophisticated visuals that reflect well on the attorney and the case being presented.

Time Efficiency and Cost-Effectiveness: Legal professionals often have limited time and resources to devote to creating presentation visuals. Hiring a professional graphic artist can save time and effort, allowing attorneys to focus on their legal expertise while ensuring that their presentations are visually compelling and effective.



To achieve a favorable outcome in the courtroom, partnering with these experts can make all the difference in your case. These professionals can significantly improve the persuasiveness, clarity, and impact of legal arguments, making your case stronger and more compelling.

Virtual Courtrooms and Remote Proceedings

Virtual courtrooms have emerged as a significant change in the way court proceedings are held due to the pandemic. These secure online platforms allow participation from anywhere in the world with an internet connection. With ongoing technological advancements, virtual courtrooms are likely to become more widespread, making the justice system more accessible, efficient, and transparent.



Here are some best practices for conducting remote legal proceedings:

Choose the right technology: There are a number of different video conferencing platforms available. Choose one that is user-friendly and reliable. Some popular options include **Zoom**, **Microsoft Teams**, and **Google Meet**.

Test Test Test: Before your hearing, make sure to test your camera and microphone to ensure that your audio and video are working properly. You should also familiarize yourself with the screen share controls of the video conferencing platform.

Find a quiet place: Choose a quiet place to participate in your hearing where you will not be interrupted. This will help to ensure that everyone can hear you clearly.

Check Background: Make sure your background is not a distraction. A clean solid background works best. **Do not** sit in front of a sunny window.

Dress professionally: Even though you are not physically appearing in court, it is still important to dress professionally. This will help to convey respect to the other participants.

Be Prompt: Be sure to be on time for your hearing. This will help to ensure that the proceedings run smoothly.

Mute when not speaking: When you are not speaking, be sure to mute your microphone to avoid background noise or unintended comments on the record.

Pay attention: Give your full attention to the proceedings and avoid multitasking. This will help you to stay informed and engaged.

Be respectful: Be respectful to the judge, the lawyers, and the other participants. This includes avoiding interruptions and using polite language.

Winning Over a Jury with Your Presentation

Lawyers are typically highly intelligent individuals who process information differently than most jurors. They often prefer learning through reading and writing, which is estimated to be the case for about 30% of the population. In contrast, the majority of **jurors are visual learners**, meaning they tend to absorb and retain information better and prefer to learn through visual aids such as images and videos. In fact, around 70% of jurors fall into this category. It's crucial for lawyers to remember that while they have access to a wide range of information about the case and know it well, jurors rely solely on the limited evidence presented during the trial. This means that jurors may not have all the information they need to make an informed decision.



Research shows that 70% of the jury need visuals to understand your opening statement.

Your opening argument is the most important phase of any trial. Some research shows that 80% of the jury will make up their mind from your opening statement. For jurors, using visual aids and a simple story will go much further than wordy complex slides trying to prove your entire case in the opening. Use the KISS method. KEEP IT SIMPLE SILLY! Imagine you are showing the preview or trailer of a movie, the stars, the highlights and action points, the plot and how it should end.

I have witnessed numerous cases where the trial team attempted to present all of their key evidence in the opening, which resulted in the jury losing interest. However, for a bench trial or arbitration, feel free to use as many documents and word-filled slides as necessary since the audience (a judge or panel) likely prefers learning through reading and writing. Try to stay within an hour and respect the jury's time. The jury will appreciate it too!

From the beginning of your case you must work on bonds of trustworthiness. By your conduct, your teams actions, your manner of communication with judge, jury, court clerks, and, of course, the jurors themselves. They see everything! However, you can become their guide in the courtroom. You become a Truth Speaker.



Jurors tend to form initial impressions about a case within the first 7 to 15 minutes of opening statements.

The opening statement is an exercise that requires refined knowledge of the facts assembled in a manner which promotes ready comprehension. A successful opening statement is not a mere recitation of “what the evidence will show.” Rather, it is a soliloquy in the form of a story **with pictures** that leads the jury to the desired result by providing them with a framework of the evidence to accept as the truth of your position. Effective opening statements are usually based on good storytelling. It is far more preferable and persuasive to tell a compelling story with visuals. This makes the story far easier to recall than disjointed facts. An effective opening statement told as a story will also provide a framework which makes the evidence memorable. Although the importance of the opening statement is often minimized, a jurors initial impressions usually becomes lasting impressions. This phenomenon, which all of us have experience throughout our lives, is called **the rule of primacy**. People remember longest what they understand first. Thus, opening statements are very important. Jurors are most attentive during opening statements and looking for a basis on which to make their decision. The idea that a juror reserves judgment until the close of the case is generally a myth. Research shows that jurors take a position on the case during or just after the opening statement and once a juror has adopted a position, it is unusual for them to change their mind. According to some researchers, about 80 percent of jurors base their final verdict based on their initial position. The opening statement is the best opportunity for an attorney to win their case.

Tips for Jury Selection

During jury selection, remember this is more than a question answer conversation. It is a conversation with very specific goals usually under time constraints and in a high-pressure environment. Because of this, it is important to spend time thinking about not just what we want to talk about with the jury, but also how we are going to talk about it. Going into a jury selection with the mentality that it's just a conversation is like entering a boxing ring without any training or preparation on technique. It's crucial to approach the process with a strategic mindset to achieve the desired result.



This difference in perspective can be a challenge for lawyers. However, jury consultants are educated and trained on getting the best jury for your particular case. Each litigation will demand a specified demographic. A good jury consultant will help you see the case from both sides and understand what the jury is looking for.

Here are some things that lawyers can do to think like a juror:

Understanding the jury selection process. The jury selection process is designed to identify jurors who are fair and impartial. Lawyers need to understand this process so that they can select jurors who will be receptive to their arguments.

Conducting jury research. Jury research is the process of gathering information about jurors in order to understand their perspectives. This information can be used to tailor arguments to the jury and to identify potential challenges.

Use juror “everyday” language. Jurors are not familiar with legal jargon. Lawyers need to use language that is clear, concise, and simplified for jurors to understand.

Telling a compelling story. Jurors are more likely to be persuaded by a story than by a list of facts. Lawyers need to be able to tell a story that will connect with the jury on an emotional level.



Appealing to the juror's sense of fairness. Jurors want to make sure that the justice system is fair. Lawyers need to be able to show the jury that their client is being treated fairly.

Put yourself in the juror's shoes. Ask yourself these simple questions: What would I think if I were on this jury? What would I want to know?

Be open-minded. Don't try to force your opinion on the jury. Be willing to listen to the other side's arguments.

Always be honest and ethical. Don't try to mislead the jury. Be truthful and upfront about your client's case. One suspicion of deceit and you've got an uphill battle!

Be respectful. Treat the jury with respect. Avoid being condescending or patronizing.

Thinking like a juror is an essential skill for any lawyer who wants to be successful. By conducting jury research, using juror language, telling a compelling story, and appealing to the juror's sense of fairness, lawyers can increase their chances of winning their cases.

Technology Tip: Utilizing Social Media to Familiarize with Jurors

Social media can provide valuable insights into an individual's personality, interests, and beliefs. By examining a juror's public social media profiles on platforms such as Facebook and Instagram can gain a greater understanding of their daily activities, hobbies, and social causes they support. This information can prove very useful and insightful when selecting a jury pool.

Continuing Education in Technology for Litigation

A key aspect of empowering legal professionals lies in providing comprehensive training and education in legal technology. This includes courses, workshops, and seminars that cover the latest advancements in courtroom technology, from e-filing to multimedia presentations and interactive exhibits. Additionally, online tutorials can serve as valuable tools for self-paced learning and continuous professional development. You can also contact a professional technology consultant to attend your next staff meeting or set-up a one on one session.



Becoming tech savvy through hands-on experience is essential for legal professionals to develop proficiency and feel comfortable using technology. Practical training exercises, simulations, and mock trials provide great opportunities for attorneys to apply their knowledge and skills in a more realistic scenarios, gaining confidence in navigating technology under pressure. Mentorship programs, where experienced technology-savvy attorneys guide and support their less experienced colleagues, can also foster a culture of continuous learning and technical expertise within legal teams. You can always reach out to your local vendor for 1 on 1 training.

CONCLUSION

The legal profession is undergoing a rapid transformation driven by technological advancements. These advancements are having a profound impact on the practice of law, particularly in the area of litigation. Legal professionals who are not keeping up with these changes are at risk of falling behind and being unable to provide their clients with the best possible representation.

Testimonials

Of course, nothing would have happened without Jon, who made the support side of the equation seamless and who executed with the skill of a veteran trial tech.

Nirav S. Shah
Managing Director | Co-Head of Litigation



The Arbitrator was greatly assisted by Mr. Walton and his services were necessary to the efficient conduct of the hearing.

“And, Jon, for your wonderful job that you did in getting the information up to us in a timely fashion, both for the claimant and for the respondent. I appreciate the cooperation that that was presented because it made the -- the evidence move much easier and kept us focused on the issues that was trying to be put forward. So thank you for your service, Jon.”

From the Judge on the transcript

Just want to let you know that Jon Walton did his usual fabulous job in helping us prepare for trial. Jon is a real gem!

Sean Berkowitz | LATHAM & WATKINS LLP

I was a skeptic going in. The quality of the equipment, the setting, and the technology were superb. I was not a skeptic coming out. I think we lost nothing being remote -- on our ability to present witnesses on direct, control witnesses on cross examination, and the advocacy of argument.

The technology was nothing compared to the attitude, competence, and commitment of Jon!!

Tom Heiden | LATHAM & WATKINS LLP

Jon “Hot Seat” Walton, who as usual ran circles around the other side’s trial tech and made us all look good in court.

Sarah Ray | LATHAM & WATKINS LLP



Testimonials



Couldn't have been more impressed with your hot seat ability – I will not go to trial again without. Full stop. Thanks for everything. We will celebrate when the dust settles.

Dan Schechter | LATHAM & WATKINS LLP

Thanks so much for all your help and support! Obviously, we couldn't have done it without you. You went above and beyond for us and I can't thank you enough. Everyone on the trial team was extremely happy with how things went, in large part to your efforts!

Amy E. Feinman | LATHAM & WATKINS LLP

Jon did an absolutely amazing job this week for our trial in Washington. He was a complete professional, a talented trial team member, and a tireless worker. We placed him in almost an impossible circumstance, asking him to come to D.C. on no notice, and he executed flawlessly. He quickly got up to speed, offered suggestions, and made our week go much more smoothly than it otherwise would have gone. . Asking him to join our team was one of the best decisions we've made.

Kory S. Wilmot | LATHAM & WATKINS LLP

Jon worked with us during all of our witness preparation activity, he prepared demonstrative electronic presentations "on the fly", and he was flawless in the courtroom.

Gerald A. Kafka | LATHAM & WATKINS LLP

Jon: you were fabulous and it was such a pleasure working with you (and Elmo)! Also for helping the court reporter use her equipment correctly so we actually have a transcript. The Tax Court should give you an award for "Best Use of New Electronic Courtroom."

Rita Cavanagh | LATHAM & WATKINS LLP

A Game Changer in the Courtroom

Lawyers, take note! The tech revolution has arrived in the courtroom and is transforming the legal landscape. With a host of new tools at their disposal, lawyers can now present evidence and argue cases in new and exciting ways. But how can you become a tech-savvy legal eagle? The answer is simple: Never stop learning and seek tech-savvy support to stay ahead of the curve. For your next litigation event, contact us at **LITPROTECH.COM** and see how we can assist you.

Special thanks to...

Dr. Elbert Walton Jr.
Metro Law Firm
Latham & Watkins
John Cleaves
Aldo Camacho
John Villasenor

COMING SOON!

Mastering the Art of Serenity in the War Room!



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