Technology and the Courtroom

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When introducing technology into the courtroom, the trial lawyer needs to be master of that domain. This is not the time to experiment. Trial lawyers not comfortable with technology should seriously consider utilizing litigation-technology support services, who -- for a price -- can provide everything needed to make the presentation look and feel professional, freeing the lawyer up to concentrate on the case.

For those who doubt, Robyn Weisman's recent article in ALM's Law Technology Review, Wrong Way: Preventing (and Recovering From) Courtroom Snafus, (free subscription) outlines what could happen when technology and people crash during trials, and how to recover from (and prevent) those disasters.

Ms. Weisman's article provides sound advice for all lawyers utilizing technology in the courtroom. The inability to incorporate technology into your case, or the misuse (or abuse) of PowerPoint, can do more damage than good.

Fredric Lederer, chancellor professor of law and director of the Center for Legal and Court Technology and Legal Skills at William & Mary Law School, says there are three types of trial technology snafus: 1) real or perceived hardware failure, 2) real or perceived software failure, and 3) attorney ineptitude.

Hardware and software failures can be minimized, somewhat, by ensuring that your equipment is up-to-date, with the latest software installed. Back up your software on CD-rom or DVDs. Keep an extra laptop computer handy, preferably one that has a mirror image of your main computer, just in case. Make sure you have the proper cables, extension cords and adapters available. I would never venture into a trial without first paying a visit to the courtroom and getting to know the clerk and scouting out their equipment first, as they often insist that you use their equipment.

Even for those who master technology, or who use professional services, Ms. Weisman wisely points out some of the pitfalls of using technology that have nothing to do with hardware or software failures. Technology can too easily run roughshod over the rules of evidence. An inadvertent keystroke or move of the mouse can display documents not yet admitted into evidence, or your PowerPoint presentation may obstruct, rather than elucidate your point.

But, for those lawyers who take technology as seriously as their arguments, it can make a world of difference in creating winning presentations.