

# Navigating the He♥rt of the Litigation Life Cycle



- **Deposition technology**
  - **How steno is used to preserve the record**
  - **Interactive realtime technology**
    - What is realtime?
    - A variety of realtime applications
      - Local realtime
      - Remote realtime
      - Realtime with streaming video
    - Realtime benefits
      - Minimize note-taking.
      - Focus on the witness's demeanor.
      - Pick up the pace of your questioning.
      - Quickly respond to objections.
      - Quickly regain focus on your questioning.
      - Search depositions for impeachment.
      - Discreetly double-check what you heard.
      - Break down long, complicated answers.
      - Use for deaf or hearing-impaired witnesses.
      - Discreetly mark testimony for follow-up.
      - Allow co-counsel to participate remotely.
      - Leave with a rough-draft transcript.
    - The importance of using a skilled realtime reporter
    - Rough-draft transcripts
      - Unproofread
      - Uncertified
      - Usually available same-day
      - May be "cleaner" than realtime
- **Tips for making the best record**
  - **The role of the reporter**
  - **Deposition notices and scheduling considerations**
    - Reporter expertise required?
    - Is a deposition notice available?
    - Estimated duration?
    - Special reporting needs?
    - Interpreter?
    - Special technology needs?

- Transcript delivery date?
  - Preferred format?
  - Cancellation notice?
- **Deposition Tips**
  - Before the deposition
    - Consider room layout and acoustics; for video depositions, lighting as well.
    - Have reporter premark exhibits.
    - Provide your business card.
    - Inform the witness of the reporter's role.
  - During the deposition
    - Announce when going off and back on the record.
    - Speak at a well-modulated pace.
    - Slow down when reading.
    - Say "quote" and "unquote."
    - Don't interrupt.
    - Describe actions for the record.
    - Be precise when using numbers: \$5.25 vs. \$525.00
    - Avoid starting each question with "Ok," "All right," "I see," etc.
    - Don't speak while the reporter is marking exhibits.
    - Spell unusual names or terms.
    - Enunciate clearly.
- **Managing Transcripts and Exhibits**
  - **E-Transcripts**
    - Search text.
    - Use hyperlinked word index.
    - Print condensed or full-size transcripts.
    - Copy and paste text into motions.
  - **Linked exhibits**
    - Paper exhibits are scanned by reporter.
    - Click on transcript link to view exhibit.
  - **Online exhibit display platforms**
    - Display exhibits paperlessly.
    - Use laptop or tablet.
    - Upload documents to private folders.
    - Mark exhibits electronically.
    - Distribute each one individually as the testimony develops.
    - Use presentation mode to mark documents.
    - No more printing, shipping or schlepping!
  - **Zoom streamlined video conferencing**
    - Save the time, trouble and expense of travel.
    - Enter online video conference with just one click.
    - Participate via computer, tablet or smartphone.
    - Collaborate privately online via secure chat.
    - Have witness annotate exhibits online.
    - Share files online.

- **Preparing for battle: War rooms and courtrooms**
  - **War Room Considerations**
    - Law firm, courthouse or hotel?
    - Basic needs: Legal pads, rubber bands, paper clips, pens, highlighters, staplers, etc.
    - Technology needs: Wireless network, printers & copiers
    - Additional tech services: Video editing, large-scale copying and/or scanning, trial book preparation
    - Creature comforts: Coffee, snacks, soft drinks, fridge, candy, lunches, etc.
    - Additional needs: Local transportation, after-hours service and deliveries
  - **Courtroom Considerations**
    - Courtroom layouts
    - Equipment needs
    - Technology restrictions
    - Realtime in the courtroom
  
- **Going “Hollywood” – Using technology to win at trial**
  - **Benefits of using video**
    - Capture non-verbal gestures and sounds.
    - Display witness’s demeanor, sarcasm, etc.
    - Display witness handling exhibits or pointing.
    - Review witness’s impact in preparing for trial.
    - Encourage good behavior.
    - Search text for important sections.
    - Create video clips to share with experts.
    - Present witnesses unavailable for trial.
    - Use picture-in-picture to capture both witness and exhibit.
    - Use time stamps to reveal witness’s hesitation in answering.
    - Save on expert witness fees and travel.
    - Offer compelling impeachment video clips.
    - Provide memorable evidence.
  - **Video deposition tips**
    - Include video in depo notice.
    - Watch your mike.
    - No pen tapping!
    - Beware cell phone interference.
    - Allow time for videographer to zoom in.
    - Be alert for video breaks.
    - Allow time for videographer announcements.
  - **Courtroom exhibit display**
    - Trial boards
    - Electronic display
  - **Animations**
    - Accident reconstruction
    - Medical animation