



Courtroom Technology: Evidence Presentation And More

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The use of electronic presentation of evidence in a trial first came to my attention in the early 1990's. There was a civil trial in Arizona involving a savings and loan violating federal antifraud laws and defrauding tens of thousands of people out of their savings. I started following the trial because I knew someone who had lost most of her life savings in that scandal. The trial went on for months and involved over 50 million pages of documents. My fascination with that trial was one of many experiences I had as a litigation paralegal that inspired me to continue learning more about litigation technology (evidence presentation software, case and document management databases, graphics design applications, etc.).

In the late 1990's I got a job as the Litigation Support Specialist for a large law firm in Phoenix. I used Summation to manage large document cases, and TrialDirector, Visio, and PowerPoint to prepare the cases for hearings or trials. When there was a trial, I had to transport equipment to the courthouse and set it up in the courtroom. The usual setup included a projector, large screen, VGA cables, power strips, extension cords, computers, and audio speakers. Many of the attorneys at the firm were quick to embrace electronic evidence presentation since they had me to prepare and handle the technology in the courtroom for them; and they received very positive feedback about their presentations from the jurors after the trials. It was generally accepted that visual presentations aided in the comprehension and retention of the information presented.

Using evidence presentation technology in the courtroom got much easier for me in 2001 when Maricopa County Superior Court opened their first e-courtrooms in downtown Phoenix. Hallelujah! Not only was all that equipment I had toted already there, but much more was available including: annotation monitors, video conferencing, document camera, and a VCR/CD player. Also installed in these e-courtrooms was an audio/video recording system that digitally recorded the trial. (There was a court reporter present who took down the official record.) The lawyers really liked the ability to get a daily copy of the trial recording on a CD so that they, or their associates, could review testimony back in the office. Sometimes the attorneys had me make audio/video clips of witness testimony that we would play during closing arguments. We also used clips of the opposing counsel's witness when they waffled in their testimony during cross examination—definitely more effective at holding the jurors' attention than reading from the transcript.

Fast forward to 2006 and I found a new job (of course technology was involved): Director of Courtroom Technology for the Judicial Branch of Arizona in Maricopa County, the fourth largest court system in the country that encompasses over 9,000 square miles. This court system includes Superior Courts and Justice of the Peace Courts which currently have over 185 judicial officers in 19 courthouses throughout the county. Yep, the courtrooms I was frequenting for years were now my responsibility to support and assist in the renovation of, as well as the design of new courtrooms. I also provided training for attorneys and paralegals on the use of the equipment. During the eight years I was there, we built and renovated dozens of courtrooms, and expanded and improved the technology in the courtrooms to meet evolving needs.

Today, electronic presentation of evidence has become the status quo in many jurisdictions; however, there is much more technology in some courtrooms that can be extremely useful. While most of my professional experience is in the Arizona state court system, I have spoken with vendors working on courtroom technology projects nationwide, and they affirm that other states have included many of the features that we have available. In addition to evidence presentation systems, additional technology in our courtrooms includes:

- Audio/video recording systems that digitally record the proceedings. *Note:* anyone can purchase a copy of any trial/hearing recording that is not sealed. So, if you are interested in other cases which may have relevance to your case, this is an inexpensive way to get copies of recordings of trials/hearings (much less costly than a transcript).
- Free Wi-Fi. Today cell phones and other mobile devices are commonly used to provide attorneys with the ability to communicate with their staff or vendors outside the courtroom. Public Wi-Fi can be a convenience, and sometimes a necessity, to attorneys during hearings/trials.

- Assistive listening headsets available for anyone in the courtroom (jurors, parties, witnesses, and observers in the gallery). I had attorneys tell they removed their hearing aids to use the headsets as they provided better audio coverage of the courtroom.
- Video conferencing. While there are various options available today to have a remote witness appear in the courtroom, a video conference system installed in the courtroom can be integrated into the other technology and provides stable, high quality audio and video of the witness.
- To improve audio, lavalier mics are available for the attorneys who prefer to move around the well of the courtroom during a proceeding; and hand-held, wireless microphones are available for jurors to use during voir dire (jurors can be very hard to hear in a large courtroom).
- Remote Interpreter equipment. A court interpreter can be in any courthouse on the court network and connect to a tilt/pan/zoom camera and the audio system in a courtroom at another courthouse. This provides them with the capability to see and hear the person needing interpretation services. The person in the courtroom wears a headset and mic so that they can directly communicate with the interpreter.
- Audio/video feed from the courtroom to a victim room adjacent to the courtroom. During criminal trials, there may be times when a victim prefers not to sit in the courtroom but wants to see and hear the proceedings live.
- Large, flat-panel monitors in jury deliberation rooms and a portable, multi-component technology cart available to connect to the monitor so that jurors can review digital exhibits that were admitted during trial.
- Ability to stream the audio/video recording system from a courtroom to an overflow room in the courthouse so the public can view the trial live—very useful in high profile cases that receive a lot of media attention.

Court systems (federal and state), judges and attorneys across the country have taken notice of technological developments and evolution of equipment that can improve efficiency and enhance the trial/hearing process in the courtroom. While preparing for your next trial, check with the court staff to find out about any technology available in the courtroom that can be beneficial to everyone involved.

About the author: Bert Binder began her legal career in 1988 and has been employed as a Paralegal in both the government and private sectors. She has an A.A.S. in Paralegal Studies, B.A. in Justice Studies Administration, and an M.A. in Human Resources Management. Bert has been a member of the adjunct faculty of an ABA approved Paralegal Program since 2001, offers local workshops on diverse paralegal career topics, and has been a keynote speaker at Paralegal Conferences and Seminars. Her career has evolved from traditional paralegal jobs to Litigation Technology Consultant, and Director of Courtroom Technology. Since December 2014, she has been a nationally recognized Career Coach. Bert maintains memberships in the Arizona Paralegal Association and the Maricopa County Bar Association Paralegal Division. She can be contacted on LinkedIn: <https://www.linkedin.com/in/paralegalcoach/> or at ParalegalCareerCoach@gmail.com