

Video's Done - Now What?

Video Use in the Courtroom

Video use in the courtroom is a powerful tool. Effective use of the video medium should be discussed early in the case but may be incorporated at any point.

In today's world, everyone, including your potential juror, is bombarded with video from all sides. The internet is becoming a more video based information medium. Even cell phone video is popping up. Therefore we as a society are changing the way we process information.

Videotaped depositions provide a medium that today's society and jurors readily grasp and one that attorneys can take advantage of.

Witness availability is always a concern when preparing for trial. If the witness is not available for trial, the video deposition will provide the jury the opportunity to see the witness and evaluate their testimony, including their body language. It also provides a much better presentation of the testimony than a question and answer reading from the deposition transcript.

Video provides the litigating attorney with the opportunity to use the deposition video during opening and closing statements. He or she has the flexibility to build their statement and incorporate testimony from the witness

for added emphasis and as a reminder of key testimony that was provided.

It can also be used to impeach the testimony of a live witness should their testimony change from the time of their deposition. The video will provide not only the words but the body language of the witness for the jury to evaluate. The saying that "A picture is worth a thousand words" applies equally to video. A witness on the stand can describe the scene of the incident but to actually show the jury the scene can provide them a better understanding of where and/or how the incident occurred.

It allows for movement within the picture, be it traffic flow on the street or how a machine works. It also allows for camera movement which can direct the attention of the juror to a specific point of interest within the video.

A note of caution here, camera movement can be used to help maintain the interest of the viewer. However it can also be distracting and should be used in moderation, there should also be a reason for the movement, especially in the legal video used as evidence during trial.

Other opportunities for video in the legal community include mediation and activities of daily living documentaries as well as will and/or prenuptial signing

ceremonies. Firms that represent construction companies or financial institutions may want to recommend pre-construction videos, construction draw videos or post-construction videos. Video in the legal community can be a very powerful tool as today's society relies on video for so much of their information. Don't be afraid to use that tool to further the interests of your clients.

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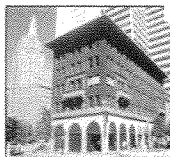
(Mitch has 15+ years experience as a paralegal in the Tulsa area as well as an additional 15 years television and video production experience both in the US and overseas. He is certified by the American Guild of Court Videographers (AGCV) and the National Association of Legal Assistants (NALA).

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