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Modern Marvel

Technology gives courtroom flair

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Register-Herald Reporter

It's cross-examination time, and a defense attorney doesn't think the witness' testimony is consistent with what he said at deposition. He turns to an associate and asks to see page 276 of volume two. Within seconds, closed-captioned deposition video from the exact point in question appears on two large projection screens for all to see.

This is not Perry Mason's courtroom.

Attorneys and witnesses in the ongoing flood litigation in Raleigh County Circuit Court are using projections of color-coded maps, 3-D representations, documents, graphs, charts, pictures and the most modern forms of digital technology to not only make the case move more efficiently, but to grab the jury's attention.

In a dramatic opening statement, defense attorney J.H. Mahaney, whose client has since settled out of the case, used the screens — 14 by 10.5 feet on one side of the room and 9 by 12 on the other — to display the colorful, moving Doppler radar of July 8, 2001, and show jurors just how catastrophic that rain event was.

Another attorney wanted to demonstrate how easy it was to find information on an experimental forest; the whole courtroom got to participate in a live Google search.

Frequently in the first two weeks of this mass litigation flood trial, witnesses have used laser pointers to help them explain maps projected for all to see. Attorneys and witnesses are using a "John Madden" device to circle areas in question or demonstrate the flow of a certain stream. Documents appear instantly on the giant screens and can be highlighted and enlarged to show specific phrases.

Audio-visual equipment, live Internet streaming, projectors, an "Elmo," VHS and DVD players, an audio system, keyword-searchable real-time reporting linked to attorneys' laptops, and a high-tech security camera through which a bailiff can view the courtroom doors even if he's standing on the opposite side of the room are essential players in this case.

"There's just no other way to put on this case," said Richard Katz, owner of Katz Consulting Group in Charleston.

The volume of evidence led Circuit Judge John Hutchison and attorneys involved in the case to contact Katz months ago. He is being paid by attorneys on both sides for the time and technology he has brought to this trial — just about everything but the real-time reporting and courtroom security video. He is not being paid by Raleigh County.

With him comes a presentation cart, which he calls "the brains of the operation." The cart contains an Elmo, which is the brand name of a document camera. It allows someone to place a

Photos



Richard Katz gets ready for the start of the flood trial in Raleigh County Circuit Court in West Virginia. /Rick Barbero/The Register-Herald, Beckley, W.V.
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document or picture on a flat screen and have it projected onto large screens. Unlike the overhead light projectors that preceded it, the Elmo allows a finger to point out various things on the item under the lens.

Also on the presentation cart is what Katz calls the "John Madden" device. There are actually three such touch screens — one for the questioning attorney, one in the witness box and one on the judge's bench — in the courtroom. The judge has ultimate control and can kill any of them instantly, if necessary. All three of them can draw on the screen — over a map or document — with a finger or stylus and their markings appear on the projection screens.

The cart also contains VHS and DVD devices and an audio system.

Back at the control panel, Katz has access to a giant document database, so he can instantly display documents at an attorney's request. It seems he never has trouble understanding what the attorneys want, and that's likely because he is one. He practiced from 1995 to 1999, when he says he saw a need for someone who knows both the law and technology to provide services for lawyers. So he started his own business.

Beside him, legal video specialist Justin Ebeling directs a live Webcast of the proceedings, complete with picture-in-picture technology so viewers can see and hear both the witness speaking and see the projection screen to which he is referring. Like Court TV, the stream also lets viewers know who is speaking and in what context. Ebeling said about 15 people are logging onto the secure stream each day. That keeps the courtroom from being overcrowded and allows off-site interests to see how the case is unfolding.

This is the first time Katz has provided a Webcast service during a major case, but the rest of his services have been used frequently.

"This technology has actually become more the norm in the courtroom over the last few years," Katz said.

He said Kanawha County Circuit Court has similar equipment installed in its courtrooms. And federal courts mandated it there years ago. Raleigh County is on its way.

Two weeks prior to the trial, Katz' company installed two cinema-quality projectors for the two large screens. The cables that were run through the courtroom's ceiling are now there to stay, and Hutchison said he's certain they'll be used again.

Hutchison said the new judicial annex planned for the county will incorporate this updated technology — if not the equipment, then at least the infrastructure necessary to allow attorneys to plug in their own equipment there.

"The Supreme Court (of West Virginia) is already updating courtrooms," Hutchison said.

Video-conference capability is becoming standard, as is equipment for playing VHS and DVD picture discs or videos. Hutchison said it should be simple for attorneys to plug in to available systems and display their own PowerPoint presentations. And motorized security cameras will enhance security.

"All of that is being looked at for the new judicial annex," Hutchison said. "We're working toward that very diligently, and we're making progress."

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